

TSD File Inventory Index

Date November 24, 2009

Initial: CMKnewad

Facility Name <u>Marathon Petroleum Company LLC (Indiana Refining Facility)</u>	
Facility Identification Number <u>IND 006 917430</u>	
A 1 General Correspondence <u>A.1.3</u>	B.2 Permit Docket (B 1.2) <u>1</u>
A.2 Part A / Interim Status <u>A.2</u>	1 Correspondence <u>B.1.1 - B.1.2</u> <u>1</u>
1 Correspondence <u>Y</u>	2 All Other Permitting Documents (Not Part of the ARA) <u>B.1.6</u> <u>1</u>
2 Notification and Acknowledgment <u>Y</u>	C.1 Compliance - (Inspection Reports) <u>C.1</u> <u>1</u>
3 Part A Application and Amendments <u>Y</u>	C.2 Compliance/Enforcement <u>C.2</u> <u>1</u>
4 Financial Insurance (Sudden, Non Sudden)	1 Land Disposal Restriction Notifications
5 Change Under Interim Status Requests	2 Import/Export Notifications
6 Annual and Biennial Reports	C.3 FOIA Exemptions - Non-Releasable Documents <u>C.3</u> <u>1</u>
A.3 Groundwater Monitoring	D.1 Corrective Action/Facility Assessment
1 Correspondence <u>A.3.1</u> <u>1</u>	1 RFA Correspondence
2 Reports	2 Background Reports, Supporting Docs and Studies
A 4 Closure/Post Closure	3 State Prelim Investigation Memos
1 Correspondence <u>A.4.1</u> <u>1</u>	4 RFA Reports <u>D.1.4</u> <u>1</u>
2 Closure/Post Closure Plans, Certificates, etc.	D. 2 Corrective Action/Facility Investigation
A.5 Ambient Air Monitoring	1 RFI Correspondence
1 Correspondence	2 RFI Workplan
2 Reports	3 RFI Program Reports and Oversight
B 1 Administrative Record	4 RFI Draft /Final Report

Total - 11

5 RFI QAPP	7 Lab data: Soil Sampling/Groundwater
6 RFI QAPP Correspondence	8 Progress Reports
7 Lab Data: Soil Sampling/Groundwater	D.5 Corrective Action/Enforcement
8 RFI Progress Reports	1 Administrative Record 3008(h) Order
9 Interim Measures Correspondence	2 Other Non-AR Documents
10 Interim Measures Workplan and Reports	D.6 Environmental Indicator Determinations
D.3 Corrective Action/Remediation Study	1 Forms/Checklists
1 CMS Correspondence	E. Boilers and Industrial Furnaces (BIF)
2 Interim Measures	1 Correspondence
3 CMS Workplan	2 Reports
4 CMS Draft/Final Report	F Imagery/Special Studies (Videos, photos, disks, maps, blueprints, drawings, and other special materials.)
5 Stabilization	G.1 Risk Assessment
6 CMS Progress Reports	1 Human/Ecological Assessment
7 Lab Data: Soil Sampling/Groundwater	2 Compliance and Enforcement
D.4 Corrective Action Remediation Implementation	3 Enforcement Confidential
1 CMI Correspondence	4 Ecological - Administrative Record
2 CMI Workplan	5 Permitting
3 CMI Program Reports and Oversight	6 Corrective Action Remediation Study
4 CMI Draft/Final Reports	7 Corrective Action/Remediation Implementation
5 CMI QAPP	8 Endangered Species Act
6 CMI Correspondence	9 Environmental Justice

Note: Transmittal Letter to Be included with Reports
Comments _____



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VIA CERTIFIED MAIL P 335 079 352

Ms. Patricia Sorenson, Environmental Engineer
Marathon Oil Company
4955 Robinson Road
Indianapolis, Indiana 46268

July 22, 1994

RECEIVED
WMD RECORD CENTER

AUG 03 1994

Dear Ms. Sorenson:

Re: Violation Letter (VL-12013)
Hazardous Waste Management
Compliance Evaluation Inspection
Marathon Oil Company
EPA I.D. No. IND 006417430
Indianapolis, Marion County

Representatives of the Department of Environmental Management (Department) are conducting inspections of facilities in Indiana that are engaged in the generation, transportation, treatment, storage, or disposal of hazardous waste. Facilities are being inspected to determine compliance with Indiana Code 13-7 (IC 13-7), "Environmental Management Act," and Indiana Administrative Code, 329 IAC 3.1, "Hazardous Waste Management Permit Program and Related Hazardous Waste Management Requirements." This article incorporates federal standards for the management of hazardous waste, which have been published in 40 CFR 260 through 40 CFR 270, as of July 1, 1992. These inspections and record reviews are also being conducted pursuant to the requirements of the Resource Conservation and Recovery Act (RCRA), Public Law 94-580, as amended, for the authorized state hazardous waste management programs.

This is to inform you that on June 17, 1994, an inspection of Marathon Oil Company, located at 5000 West 86th Street, Indianapolis, Indiana, was conducted by Mr. Bahman Ossivand of the Office of Solid and Hazardous Waste Management (OSHWM), of the Department. Ms. DeAnne Julian and you represented your firm at this inspection.

The following violations of 329 IAC 3.1 pertaining to the operation of your facility were noted:

1. 329 IAC 3.1-7-6
The generator failed to submit copies of manifests for out-of-state shipments to the Department within five (5) working days of the shipment of hazardous waste.
2. 329 IAC 3.1-7-2
The generator failed to submit a copy of the notification of intent to export hazardous waste to the OSHWM of the Department.
3. 40 CFR 268.7
Land Ban Notifications for manifest Nos. INA0920336 and INA0920337 were not signed

Ms. Sorenson
Page 2

and dated by the generator before shipment of the hazardous waste.

4. 40 CFR 268.7(a)(7)

The generator had not retained Land Ban Notifications for manifest Nos. INA0793801 and INA0833064 on-site for at least five (5) years.

5. 40 CFR 262.34(a)(4)
referencing
40 CFR 265.16(e)

The generator had not maintained training records for Messrs. William R. Taylor and Eric G. Hurst, who were identified in the Contingency Plan as the secondary Emergency Coordinators.

Marathon Oil Company, upon receipt of this letter, shall achieve compliance with the following requirements:

1. Ensure that, in the future, all manifests are submitted to the Department within five (5) working days of the shipment of hazardous waste.
2. Within thirty (30) days, submit a copy of the notification of intent to export hazardous waste to the OSHWM of the Department.
3. Ensure that, in the future, all Land Ban Notifications are signed and dated by the generator before the shipment of hazardous waste.
4. Ensure that, in the future all Land Ban Notifications are retained at the facility for at least five (5) years.
5. Amend personnel training records to include Messrs. William R. Taylor and Eric G. Hurst. Submit a copy of the amended personnel training records to this office.

Your company shall submit to this office, within thirty-five (35) calendar days of receipt of this letter, a written detailed explanation of the steps taken to achieve compliance with each requirement. This letter shall state the date compliance was achieved.

Failure to respond adequately to this Violation Letter and verify a return to compliance at this facility will result in escalated enforcement action.

Please direct your response to this letter and any questions to Ms. Brenda J. Lepter of the Office of Enforcement, Hazardous Waste Section, at 317/233-5971.

Sincerely,

Rosemary Cantwell
Rosemary W. Cantwell, Chief
Hazardous Waste Section
Office of Enforcement

BJL/rmw

cc: Marion County Health Department
Ms. Uylaine McMahan, U.S. EPA, Region V
Mr. Bahman Ossivand



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Environmental Helpline 1-800-451-6027

February 25, 1994

Ms. Patricia Sorensen
Marathon Oil Company
5000 West 86th Street
Indianapolis, Indiana 46268

Dear Ms. Sorensen:

Re: Letter of Compliance, Case No. VL-11761
Hazardous Waste Management
Marathon Oil Company
EPA I.D. No. IND 006417430
Indianapolis, Marion County

Based upon documents available to the Office of Enforcement staff during a record review on February 15, 1994, and the results of a reinspection conducted at your facility on February 7, 1994, it has been determined that Marathon Oil Company has achieved compliance with the terms of the Violation Letter issued to your firm on November 19, 1993.

Thank you for your cooperation. If you have any questions concerning this matter, feel free to contact Ms. Lisa E. Smith of the Hazardous Waste Section, Office of Enforcement, at 317/232-7202.

Very truly yours,

Rosemary Cantwell

Rosemary W. Cantwell, Chief
Hazardous Waste Section
Office of Enforcement

LES/sah

cc: Marion County Health Department
Ms. Uylaine McMahan, U.S. EPA, Region V
Mr. Mike Penington



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PA A SO NP

U. McMahon



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February 25, 1994

Ms. Patricia Sorensen
Marathon Oil Company
5000 West 86th Street
Indianapolis, Indiana 46268

Dear Ms. Sorensen:

Re: Letter of Compliance, Case No. VL-11615
Hazardous Waste Management
Marathon Oil Company
EPA I.D. No. IND 006417430
Indianapolis, Marion County

Based upon documents available to the Office of Enforcement staff during a record review on February 15, 1994, and the results of a reinspection conducted at your facility on February 7, 1994, it has been determined that Marathon Oil Company has achieved compliance with the terms of the Violation Letter issued to your firm on August 19, 1993.

Thank you for your cooperation. If you have any questions concerning this matter, feel free to contact Ms. Lisa E. Smith of the Hazardous Waste Section, Office of Enforcement, at 317/232-7202.

Very truly yours,

Rosemary Cantwell

Rosemary W. Cantwell, Chief
Hazardous Waste Section
Office of Enforcement

LES/sah

cc: Marion County Health Department
Ms. Uylaine McMahan, U.S. EPA, Region V
Mr. Mike Penington

u. mc mahar



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OFFICE OF RCRA
WASTE MANAGEMENT DIV.
EPA REGION

November 19, 1993

VIA CERTIFIED MAIL P 215 676 140

NOV 30 1993

Ms. Patricia G. Sorensen
Marathon Oil Company
5000 West 86th Street
Indianapolis, Indiana 46268

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Dear Ms. Sorensen:

Re: Violation Letter (VL-11761)
Hazardous Waste Management
Enforcement Follow-up Inspection
Marathon Oil Company
EPA I.D. No. IND 006417430
Indianapolis, Marion County

Representatives of the Department of Environmental Management (Department) are conducting inspections of facilities in Indiana that are engaged in the generation, transportation, treatment, storage, or disposal of hazardous waste. Facilities are being inspected to determine compliance with Indiana Code 13-7 (IC 13-7), "Environmental Management Act," and Indiana Administrative Code, 329 IAC 3.1, "Hazardous Waste Management Permit Program and Related Hazardous Waste Management Requirements." This article incorporates federal standards for the management of hazardous waste, which have been published in 40 CFR 260 through 40 CFR 270, as of July 1, 1991. These inspections and record reviews are also being conducted pursuant to the requirements of the Resource Conservation and Recovery Act (RCRA), Public Law 94-580, as amended, for the authorized state hazardous waste management programs.

This is to inform you that on October 7, 1993 an enforcement follow-up inspection of Marathon Oil Company located at 500 West 86th Street, Indianapolis, Indiana was conducted by Mr. Mike Penington of the Office of Solid and Hazardous Waste Management (OSHW), of the Department, to determine your facility's compliance with Violation Letter VL-11615 issued to your firm on August 19, 1993. You represented your firm at this inspection.

The following violations of 329 IAC 3.1 pertaining to the operation of your facility were noted:

1. 40 CFR 262.34(c)(1)(ii)

Three (3) of the cubic yard containers of bulk sludge were not properly marked with the words "Hazardous Waste" or with other words that identify the contents of the container.

2. 40 CFR 262.34(c)(2)

The three (3) containers mentioned in the above violation were not marked with the date upon which each period of accumulation begins. The generator may accumulate as much as 55 gallons of hazardous waste in containers at or near any point of generation. The generator must mark the containers holding more than 55 gallons of hazardous waste with the date the excess amount began accumulating.

Marathon Oil Company, within thirty (30) calendar days of receipt of this letter, shall achieve compliance with the following requirements:

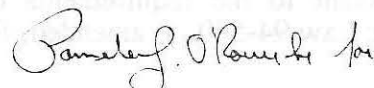
1. Mark the three (3) bulk sludge cubic yard containers with the words "Hazardous Waste" or with other words that identify the contents of the containers. Ensure in the future to mark each container used to accumulate hazardous waste in a satellite accumulation area with the words "Hazardous Waste" or with other words that identify the contents of the containers.
2. Mark the start of accumulation date on the three (3) bulk sludge cubic yard containers. Ensure in the future to mark the start of the accumulation date on each container of hazardous waste in any satellite accumulation area as soon as more than 55 gallons of hazardous waste has accumulated.

Your company shall submit to this office, within thirty-five (35) calendar days of receipt of this letter, a written detailed explanation of the steps taken to achieve compliance with each requirement. This letter shall state the date compliance was achieved.

Failure to respond adequately to this Violation Letter and verify a return to compliance at this facility will result in escalated enforcement action.

Please direct your response to this letter and any questions to Ms. Lisa E. Smith of the Office of Enforcement, Hazardous Waste Section, at 317/232-7202.

Sincerely,



Rosemary W. Cantwell, Chief
Hazardous Waste Section
Office of Enforcement

LES/rmw

cc: Marion County Health Department
Ms. Uylaine McMahan, U.S. EPA, Region V
Mr. Mike Penington



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100 North Senate Avenue
P.O. Box 6015
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Environmental Helpline 1-800-451-6027

VIA CERTIFIED MAIL P 215 676 131

November 17, 1993

Ms. Patricia Sorenson
Marathon Oil Company
5000 West 86th Street
Indianapolis, Indiana 46268

Dear Ms. Sorenson:

Re: Letter of Inadequacy, Case No. VL-11615
Hazardous Waste Management
Marathon Oil Company
EPA I.D. No. 006417430
Indianapolis, Marion County

NOV 30 1993

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WASTE MGMT
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On October 7, 1993, an Enforcement Follow-up Inspection was conducted by Mr. Mike Penington of the Office of Solid and Hazardous Waste Management to verify your facility's compliance with Violation Letter VL-11615, issued to your firm on August 19, 1993. Based on the findings of this inspection, it has been determined that your facility has failed to comply with one of the orders contained in the violation letter. The following deficiency must be adequately addressed:

1. Order No. 5 states that, pursuant to 40 CFR 265.31, the Marathon Oil Company facility must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous constituents to air, soil or surface water which could threaten human health or the environment. During the October 7, 1993 inspection, Mr. Penington observed an area on the north east corner of the tank that was not cleaned up from the spill of hazardous waste sludge K048 through K051. Mr. Penington discussed this area with you at the time of the inspection.

Containerize all visibly-contaminated soil (plus six (6) inches of soil below this level). Ensure proper disposal of the contaminated soil at a permitted or interim status hazardous waste disposal facility. Provide documentation to this office that describes the steps taken to ensure cleanup and disposal of K048 through K051 hazardous waste sludge from the spill area.

Ms. Sorenson
Page 2

Your company shall submit to this office, within thirty-five (35) calendar days of receipt of this letter, a written detailed explanation of the steps taken to achieve compliance with each requirement. This letter shall state the date compliance was achieved.

If you have any questions concerning this matter, feel free to contact Ms. Lisa E. Smith of the Office of Enforcement, Hazardous Waste Section, at 317/232-7202.

Very truly yours,



Rosemary W. Cantwell, Chief
Hazardous Waste Section
Office of Enforcement

LES/rmw

cc: Marion County Health Department
Ms. Uylaine McMahan, U.S. EPA, Region V
Mr. Mike Penington

→ IND 006 417 430
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VIA CERTIFIED MAIL - P215-675-552

Ms. Patricia B. Sorensen
Environmental Coordinator
Marathon Oil Company
P.O. Box 68007
Indianapolis, IN 46268-0007

November 10, 1993

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Dear Ms. Sorensen:

Re: Corrective Action Authority
Application and Jurisdiction

In response to your letter of September 22, 1993, the State of Indiana's legal authority to invoke the corrective action process is cited in Indiana Code (IC) 13-7-8.5-5.5, which reads in part,

" When, on the basis of any information, the Commissioner determines that there is or has been a release of a hazardous waste of a constituent of a hazardous waste into the environment from a facility authorized to operate under interim status under Section 3005(e) of the Solid Waste Disposal Act [42 U.S.C. 6925(e)] or under this chapter, the Commissioner may:

- 1) issue an order requiring corrective action or another response measure that the Commissioner considers necessary to protect human health or the environment; or
- 2) Commence a civil action to compel corrective action as described in subdivision (1)...".

For the purpose of this statute, any person, as defined in IC 13-7-1-17, who notified the United States Environmental Protection Agency (U.S. EPA), of hazardous waste treatment, storage or disposal activity, and submitted a Part A application pursuant to the Resource Conservation and Recovery Act (RCRA), is defined as an "interim status facility".

Sorensen Letter
page 2

Therefore, closure of the waste pile does not effect the jurisdiction or authority of this statute, since corrective action can be invoked over the entire facility, and/or beyond the boundaries of the facility pursuant to IC 13-7-8.5-5.5-(b).

The State of Indiana has not, however, been authorized to carry out the requirements of the federal Hazardous and Solid Waste Amendments to RCRA, in lieu of the U.S. EPA. Therefore, the U.S. EPA also has the authority to invoke corrective action in the State of Indiana pursuant to Section 3008(h) of RCRA. Currently, Indiana's Corrective Action Program plays a supporting role to the U.S. EPA, and is only taking the lead on sites selected in agreement with the U.S. EPA.

If you have any questions, please feel free to call Mr. Michael E. Sickels of the Corrective Action Section at 317/232-3406.

Sincerely yours,

David Wersan

Dave Wersan

Assistant Commissioner

Solid and Hazardous Waste Management

cc: Ms. Susan Sylvester, U.S. EPA, Region V (with enclosure)

Ms. Fayola Wright, U.S. EPA, Region V

Ronald L. Andes
Attorney

Uy Larice McMahon
(HRE-8J)



**Marathon
Oil Company**

539 South Main Street
Findlay, OH 45840-3295
Direct No. 419/421-4125
Main No. 419/422-2121
FAX 419/421-3578

August 19, 1993

U.S. EPA, Region 5
Waste Management Division
RCRA Enforcement Branch (5HR-12)
230 South Dearborne Street
Chicago, IL 60604

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AUG 23 1993

**OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V**

Re: Consent Agreement and Final Order
Docket No. V-W-88-R-038

Dear Sir:

This letter is provided pursuant to provision F of the referenced agreement.

Please be advised that Marathon Oil Company, which acquired Rock Island Refining Corporation, has achieved compliance with paragraph C "Goat Hill closure". Proof of the compliance is provided in the attached IDEM letter.

Sincerely,

Ronald L. Andes

RLA/dkh
24081

Attachment

cc: Thomas Linson
IDEM
105 South Meridian St.
Indianapolis, IN 46240-6015

Phil Perry
IDEM
105 South Meridian St.
Indianapolis, IN 46240-6015

Mr. Hak Cho

U.S. EPA, Region V
5 HR
RCRA Enforcement Branch
77 West Jackson Blvd.
Chicago, IL 60604-3590



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VIA CERTIFIED MAIL - P125-270-793

July 23, 1993

Ms. Patricia Sorensen
Environmental Coordinator
Marathon Oil Company
P.O. Box 68007
Indianapolis, Indiana 46268-0007

Dear Ms. Sorensen:

Re: Closure of Waste Pile
Marathon Oil Company
Indiana Refining Division
Indianapolis, Indiana
IND 006417430

The Indiana Department of Environmental Management (IDEM) has reviewed your certification dated December 31, 1991, indicating that total closure was completed as outlined in the closure plan submitted by Marathon Oil Company. The certification of closure was submitted prior to the IDEM approval of the closure plan because closure activities had been completed by Marathon. The closure plan dated June 4, 1990, and revised on December 31, 1991, was approved by the IDEM on May 5, 1993. In order to approve the closure plan, a Hydrogeological Study dated October 31, 1990, and revised on April 3, 1991, December 31, 1991 and January 29, 1993 was conducted to demonstrate that the groundwater was not affected by the waste pile. With the receipt of this information, the IDEM has determined that total closure has been completed as required by 40 CFR 265 Subpart G and Consent Agreement and Final Order, Docket No. V-W-88-R-038.

Marathon Oil Company originally notified the U.S. EPA, Region V, as a hazardous waste treatment, storage, and disposal facility with the following hazardous waste activities: land application disposal, other treatment identified as a vacuum filter process, incinerator treatment and tank storage and treatment. These activities were withdrawn by the U.S. EPA Region V under Consent Agreement and Final Order, Docket No. V-W-88-R-038 ordered on May 14, 1990. The closure certification indicated that a hazardous waste pile has been eliminated in accordance with an enforcement action/Consent Agreement and Final Order. With the completion of closure, the facility status is now classified as generator.

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JUL 27 1993

R. L. ANDES

Ms. Patricia Sorensen
Page 2

This is also to notify you that your facility is no longer required by 329 IAC 3.1-14-4 and 329 IAC 3.1-14-24(e) to maintain financial assurance and liability coverage for the closure of the hazardous waste management unit(s).

If you have any questions about this letter, please contact Mr. Phil Perry at 317/232-3397.

Sincerely,



David Wersan
Assistant Commissioner
Solid and Hazardous Waste Management

PRP/go

cc: Marion County Health Department
Mr. Hak Cho, U.S. EPA, Region V
Ms. Fayola Wright, U.S. EPA, Region V
Mr. Jeff Stevens
Ms. Jenny Dooley
Mr. Jim Hunt
Mr. Bob Hacker
Mr. Steve Buckel



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VIA CERTIFIED MAIL - P125-270-793 WASTE MANAGEMENT DIV
EPA REGION V

July 23, 1993

Ms. Patricia Sorensen
Environmental Coordinator
Marathon Oil Company
P.O. Box 68007
Indianapolis, Indiana 46268-0007

Dear Ms. Sorensen:

Re: Closure of Waste Pile
Marathon Oil Company
Indiana Refining Division
Indianapolis, Indiana
IND 006417430

The Indiana Department of Environmental Management (IDEM) has reviewed your certification dated December 31, 1991, indicating that total closure was completed as outlined in the closure plan submitted by Marathon Oil Company. The certification of closure was submitted prior to the IDEM approval of the closure plan because closure activities had been completed by Marathon. The closure plan dated June 4, 1990, and revised on December 31, 1991, was approved by the IDEM on May 5, 1993. In order to approve the closure plan, a Hydrogeological Study dated October 31, 1990, and revised on April 3, 1991, December 31, 1991 and January 29, 1993 was conducted to demonstrate that the groundwater was not affected by the waste pile. With the receipt of this information, the IDEM has determined that total closure has been completed as required by 40 CFR 265 Subpart G and Consent Agreement and Final Order, Docket No. V-W-88-R-038.

Marathon Oil Company originally notified the U.S. EPA, Region V, as a hazardous waste treatment, storage, and disposal facility with the following hazardous waste activities: land application disposal, other treatment identified as a vacuum filter process, incinerator treatment and tank storage and treatment. These activities were withdrawn by the U.S. EPA Region V under Consent Agreement and Final Order, Docket No. V-W-88-R-038 ordered on May 14, 1990. The closure certification indicated that a hazardous waste pile has been eliminated in accordance with an enforcement action/Consent Agreement and Final Order. With the completion of closure, the facility status is now classified as generator.

Ms. Patricia Sorensen

Page 2

This is also to notify you that your facility is no longer required by 329 IAC 3.1-14-4 and 329 IAC 3.1-14-24(e) to maintain financial assurance and liability coverage for the closure of the hazardous waste management unit(s).

If you have any questions about this letter, please contact Mr. Phil Perry at 317/232-3397.

Sincerely,

David Wersan

David Wersan

Assistant Commissioner

Solid and Hazardous Waste Management

PRP/go

cc: Marion County Health Department

Mr. Hak Cho, U.S. EPA, Region V

Ms. Fayola Wright, U.S. EPA, Region V

Mr. Jeff Stevens

Ms. Jenny Dooley

Mr. Jim Hunt

Mr. Bob Hacker

Mr. Steve Buckel

Ronald L. Andes
Attorney

IND 006 417 430



539 South Main Street
Findlay, OH 45840-3295
Direct No. 419/421-4125
Main No. 419/422-2121
FAX 419/421-3578

August 19, 1993

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U.S. EPA, Region 5
Waste Management Division
RCRA Enforcement Branch (5HR-12)
230 South Dearborne Street
Chicago, IL 60604

Re: Consent Agreement and Final Order
Docket No. V-W-88-R-038

Dear Sir:

This letter is provided pursuant to provision F of the referenced agreement.

Please be advised that Marathon Oil Company, which acquired Rock Island Refining Corporation, has achieved compliance with paragraph C "Goat Hill closure". Proof of the compliance is provided in the attached IDEM letter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ronald L. Andes'.

Ronald L. Andes

RLA/dkh
24081

Attachment

cc: Thomas Linson
IDEM
105 South Meridian St.
Indianapolis, IN 46240-6015

Phil Perry
IDEM
105 South Meridian St.
Indianapolis, IN 46240-6015

Mr. Hak Cho
U.S. EPA, Region V
5 HR
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77 West Jackson Blvd.
Chicago, IL 60604-3590

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U. McMahon



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August 19, 1993

VIA CERTIFIED MAIL P 352 041 493

Ms. Patricia G. Sorenson
Marathon Oil Company
5000 West 86th Street
Indianapolis, Indiana 46268

Dear Ms. Sorenson:

RECEIVED
AUG 23 1993

OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V

Re: Violation Letter (VL-11470)
Hazardous Waste Management
Compliance Evaluation Inspection
Marathon Oil Company
EPA I.D. No. IND 006417430
Indianapolis, Marion County

Representatives of the Department of Environmental Management (Department) are conducting inspections of facilities in Indiana that are engaged in the generation, transportation, treatment, storage, or disposal of hazardous waste. Facilities are being inspected to determine compliance with Indiana Code 13-7 (IC 13-7), "Environmental Management Act," and Indiana Administrative Code, 329 IAC 3.1, "Hazardous Waste Management Permit Program and Related Hazardous Waste Management Requirements." This article incorporates federal standards for the management of hazardous waste, which have been published in 40 CFR 260 through 40 CFR 270, as of July 1, 1991. These inspections and record reviews are also being conducted pursuant to the requirements of the Resource Conservation and Recovery Act (RCRA), Public Law 94-580, as amended, for the authorized state hazardous waste management programs.

This is to inform you that on May 21, 1993, an inspection of Marathon Oil Company, located at 5000 West 86th Street, Indianapolis, was conducted by Mr. Mike Penington of the Office of Solid and Hazardous Waste Management (OSHW), of the Department. Ms. Lynda Rios, Mr. Dan Housenga, and you represented your firm at this inspection.

The following violations of 329 IAC 3.1 pertaining to the operation of your facility were noted:

1. 329 IAC 3.1-7-6(a)(4) Generator has not submitted hazardous waste manifests numbered INA0707910, INA0707301, INA0707321, and INA0707315 to the Department within five (5) working days after the transportation of any hazardous waste to a treatment, storage, disposal, or recovery facility.
2. 40 CFR 262.34(c)(1)(ii) Four (4) cubic yard containers located in the wastewater treatment plant sludge dewatering unit were not properly marked with the words "Hazardous Waste" or with other words that identify the contents of the containers.
3. 40 CFR 262.34(a)(2) Three (3) 20,000-gallon containers located in the facility's north accumulation area were not properly marked with the start of accumulation date.
4. 40 CFR 262.34(a)(3) Two (2) 20,000-gallon container located in the facility's north accumulation area were not properly marked with the words "Hazardous Waste."
5. 40 CFR 262.34(a)(4) referencing
40 CFR 265.31 Generator did not maintain and operate the facility to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. A spill of K048 through K051 hazardous waste sludge was observed in the east API separator.

Marathon Oil Company, within thirty (30) days calendar days of receipt of this letter, shall achieve compliance with the following requirements:

1. Submit a copy of hazardous waste manifests numbered INA0707910, INA0707301, INA0707321, and INA0707315 to the Department as required. Henceforth, ensure that hazardous waste manifests are submitted to the Department within five (5) working days after transportation of any hazardous waste to a treatment, storage, disposal, or recovery facility.
2. Mark the four (4) cubic yard containers located in the wastewater treatment plant sludge dewatering unit with the words "Hazardous Waste" or other words that identify the contents of the containers. Ensure in the future to mark each container used to accumulate hazardous waste in a satellite accumulation area with the words "Hazardous Waste" or with other words that identify the contents of the containers.
3. Mark the start of accumulation date on the three (3) 20,000-gallon containers located in the facility's north accumulation area, and ensure in the future to mark the start of the accumulation date on each container of hazardous waste.
4. Mark the two (2) 20,000-gallon containers located in the facility's north accumulation area with the words "Hazardous Waste," and ensure in the future to mark each container used to accumulate hazardous waste with the words "Hazardous Waste."
5. Facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water which could threaten human health or the environment. Containerize all visibly-contaminated soil (plus six (6) additional inches of soil below this level). Provide documentation to this office that describes the steps taken to ensure cleanup and disposal of K048 through K051 hazardous waste sludge in the spill area.

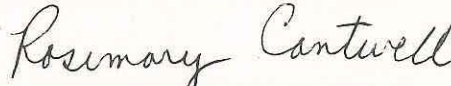
Your company shall submit to this office, within thirty-five (35) calendar days of receipt of this letter, a written detailed explanation of the steps taken to achieve compliance with each requirement. This letter shall state the date compliance was achieved.

Failure to respond adequately to this Violation Letter and verify a return to compliance at this facility will result in escalated enforcement action.

Ms. Sorenson
Page 4

Please direct your response to this letter and any questions to Ms. Lisa E. Smith of the Office of Enforcement, Hazardous Waste Section, at 317/232-7202.

Sincerely,



Rosemary W. Cantwell, Chief
Hazardous Waste Section
Office of Enforcement

LES/rmw

cc: Marion County Health Department
Ms. Uylaine McMahan, U.S. EPA, Region V
Mr. Mike Penington



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

Evan Bayh
Governor

Kathy Prosser
Commissioner

RECEIVED
JUN 28 1993
OFFICE OF RCRA
WASTE MANAGEMENT DIV
EPA, REGION V

105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

June 22, 1993

Ms. Patricia G. Sorenson
Marathon Oil Company
5000 West 86th Street
Indianapolis, Indiana 46268

Dear Ms. Sorenson:

Re: Letter of Compliance, Case No. VL-11470
Hazardous Waste Management
Marathon Oil Company
EPA I.D. No. IND 006417430
Indianapolis, Marion County

not
RECEIVED
WMD RCRA
RECORD CENTER

AUG 24 1993

Compliance

Based upon documents available to the Office of Enforcement staff during a record review on June 7, 1993, and the results of a reinspection conducted at your facility on May 21, 1993, it has been determined that Marathon Oil Company has achieved compliance with the terms of the Violation Letter issued to your firm on April 30, 1993.

Thank you for your cooperation. If you have any questions concerning this matter, feel free to contact Ms. Lisa E. Smith of the Office of Enforcement, Hazardous Waste Section, at 317/232-7202.

Very truly yours,

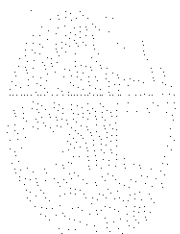
Rosemary Cantwell

Rosemary W. Cantwell, Chief
Hazardous Waste Section
Office of Enforcement

LES/rmw

cc: Marion County Health Department
Ms. Uylaine McMahan, U.S. EPA, Region V
Mr. Mike Penington

RECEIVED



OFFICE OF THE
ATTORNEY GENERAL
STATE OF NEW YORK

NEW YORK
JAN 10 1900

TO THE
HONORABLE
THE ATTORNEY GENERAL

IN REPLY TO YOUR
LETTER OF JANUARY 5, 1900,
RELATIVE TO THE
MATTER OF THE
ESTATE OF JAMES
M. HARRIS

YOUR LETTER OF JANUARY 5, 1900, HAS BEEN RECEIVED AND THE MATTER IS UNDER CONSIDERATION.

VERY TRULY YOURS,
JAMES M. HARRIS

WITNESSED AND
CERTIFIED TO
THIS 10TH DAY OF JANUARY, 1900

ATTEST
JAMES M. HARRIS



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

Evan Bayh
Governor
Kathy Prosser
Commissioner

105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

Ms. Patricia G. Sorenson
Marathon Oil Company
5000 West 86th Street
Indianapolis, Indiana 46268

June 17, 1993

RECEIVED JUL 19 1993
WMD RCRA
RECORD CENTER Compliance

Dear Ms. Sorenson:

Re: Letter of Compliance, Case No. VL-10651
Hazardous Waste Management
Marathon Oil Company
EPA I.D. No. IND 006417430
Indianapolis, Marion County

Based upon documents available to the Office of Enforcement staff during a record review on June 1, 1993, and the results of a reinspection conducted at your facility on May 21, 1993, it has been determined that Marathon Oil Company has achieved compliance with the terms of the Violation Letter issued to your firm on April 5, 1991.

Thank you for your cooperation. If you have any questions concerning this matter, feel free to contact Ms. Lisa E. Smith of the Office of Enforcement, Hazardous Waste Section at 317/232-7202.

Very truly yours,

Rosemary Cantwell

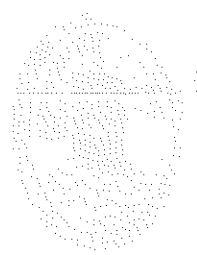
Rosemary W. Cantwell, Chief
Hazardous Waste Section
Office of Enforcement

LES/rmw

cc: Marion County Health Department
Ms. Uylaine McMahan, U.S. EPA, Region V
Mr. Mike Penington

MEMORANDUM FOR THE RECORD

DATE: 10/10/68



SUBJECT: [Illegible text]

TO: [Illegible text]

FROM: [Illegible text]

1. [Illegible text]

2. [Illegible text]

3. [Illegible text]

4. [Illegible text]

5. [Illegible text]



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live

Evan Bayh
Governor

Kathy Prosser
Commissioner

RECEIVED

MAY 05 1993

OFFICE OF RCRA
WASTE MANAGEMENT DIVISION
EPA, REGION V

105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46206-6015
Telephone 317-232-8603
Environmental Helpline 1-800-451-6027

April 30, 1993

VIA CERTIFIED MAIL P 846 729 966

Ms. Patricia G. Sorenson
Marathon Oil Company
5000 West 86th Street
Indianapolis, Indiana 46268

RECEIVED JUN 1 1993
WMD RCRA
RECORD CENTER Compliance

Dear Ms. Sorenson:

Re: Violation Letter (VL-11470)
Hazardous Waste Management
Compliance Evaluation Inspection
Marathon Oil Company
EPA I.D. No. IND 006417430
Indianapolis, Marion County

Representatives of the Department of Environmental Management (Department) are conducting inspections of facilities in Indiana that are engaged in the generation, transportation, treatment, storage, or disposal of hazardous waste. Facilities are being inspected to determine compliance with Indiana Code 13-7 (IC 13-7), "Environmental Management Act," and Indiana Administrative Code, 329 IAC 3.1, "Hazardous Waste Management Permit Program and Related Hazardous Waste Management Requirements." This article incorporates federal standards for the management of hazardous waste, which have been published in 40 CFR 260 through 40 CFR 270, as of July 1, 1991. These inspections and record reviews are also being conducted pursuant to the requirements of the Resource Conservation and Recovery Act (RCRA), Public Law 94-580, as amended, for authorized state hazardous waste management programs.

This is to inform you that on April 28, 1992, an inspection of Marathon Oil Company, located at 5000 West 86th Street, Indianapolis, Indiana, was conducted by Mr. Robert Malone, Ontario Environmental, Inc., contractor for the Office of Solid and Hazardous Waste Management (OSHW), of the Department. You represented your firm at this inspection.

The following violations of 329 IAC 3.1 pertaining to the operation of your facility were noted:

1. 40 CFR 265.173

Two (2) 55-gallon drums containing waste and clean up debris from the API separator were not stored closed.

2. 40 CFR 262.34(a)(3) Two (2) 55-gallon drums containing waste and clean up debris from the API separator were not properly marked with the words "Hazardous Waste."
3. 40 CFR 262.34(a)(2) Two (2) 55-gallon drums containing waste and clean up debris from the API separator were not properly marked with the start of accumulation period.
4. 40 CFR 266.34(e)(1)(ii) Before a marketer initiates the first shipment of hazardous waste fuel to a hazardous waste fuel burner, he must obtain a one-time written and signed notice from the burner certifying that the recipient is a burner and that the burner will burn the hazardous waste fuel only in an industrial furnace or boiler identified in 40 CFR 266.31(b). The facility did not have a one-time written and signed notice from Patchem.
5. 40 CFR 262.11 The generator has not determined if one (1) black and red container in the API waste accumulation area is hazardous.

Marathon Oil Company, within thirty (30) calendar days of receipt of this letter, shall achieve compliance with the following requirements:

1. Close the two (2) 55-gallon drums containing waste and clean-up debris from the API separator and in the future, accumulate all hazardous waste in containers that are properly closed.
2. Mark the two (2) 55-gallon drums containing waste and clean-up debris from the API separator with the words "Hazardous Waste" and ensure in the future to mark each container used to accumulate hazardous waste with the words "Hazardous Waste."
3. Mark the start of accumulation period on the two (2) 55-gallon drums containing waste and clean-up debris from the API separator and ensure in the future to mark the start of the accumulation period on each container of hazardous waste.
4. Obtain a one-time written and signed notice from the burner certifying that the burner has notified EPA and identified his waste activities and will burn the hazardous waste fuel only in an industrial furnace or boiler identified in 40 CFR 266.31(b). Pursuant to 40 CFR 266.34(f) Marathon Oil must keep a copy of each certification notice he receives or sends for three (3) years from the date he last engages in a hazardous waste fuel marketing transaction with the person who sends or receives the certification notice.

Ms. Patricia G. Sorenson
Page -3-

5. Determine if the waste in the black and red container in the API waste accumulation area is hazardous as defined by 40 CFR 261.20 and 40 CFR 261.30. (If you believe the waste is not hazardous, submit analyses to support your decision.) Submit to this office written documentation of your determination.

Your company shall submit to this office, within thirty-five (35) calendar days of receipt of this letter, a written detailed explanation of the steps taken to achieve compliance with each requirement. The letter shall state the date compliance was achieved.

Failure to respond adequately to this Violation Letter and verify a return to compliance at this facility will result in escalated enforcement action.

Please direct your response to this letter and any questions to Ms. Lisa E. Smith of the Office of Enforcement, Hazardous Waste Section, of the Department at 317/232-7202.

Very truly yours,

Rosemary W. Cantwell for

Rosemary W. Cantwell, Chief
Hazardous Waste Section
Office of Enforcement

LES/rmw

cc: Marion County Health Department
Ms. Uylaine McMahan, U.S. EPA, Region V

BAKER & DANIELS

SIO FLETCHER TRUST BUILDING
INDIANAPOLIS, INDIANA 46204-2454

317-636-4535

WASHINGTON OFFICE
SUITE 600 1920 N STREET N.W.
WASHINGTON, D. C. 20036
202-785-1565

ALBERT BAKER
1874-1942

KARL J. STIPHER
JOHN D. COCHRAN
BYRON P. BOLLETT
DAN R. WINCHELL
EARL CLAY ULEN, JR.
RICHARD E. AIDMAN
J. B. KING
STEPHEN W. TERRY, JR.
THOMAS M. LOFTON
JOSEPH B. CARNEY
DANIEL E. JOHNSON
ROBERT L. JESSUP
VIRGIL L. BEELEE
WILLIAM F. LANDERS, JR.
ROBERT N. DAVIES
RICHARD M. LEAORE
THEODORE R. BOEHM
MICHAEL R. MAINE
PETER C. WARD
NORMAN F. ROWE
TERRILL D. ALBRIGHT
WILSON S. STORER
FRED E. SCHLISSEL
JAMES A. ASCHLEMAN
JERRY R. JENKINS

EDWARD DA...
1877-1918

STEPHEN A. CLAFFEY
NORMAN G. TABLER, JR.
DAVID R. PRICE
BORY O'BRYAN
STEPHEN H. PAUL
CHARLES T. RICHARDSON
MICHAEL J. HUSTON
JAMES H. HOFFERMAN
LEWIS D. BECKWITH
DONALD P. BENNETT
THOMAS G. STAYTON
JOE C. EMERSON
JAMES M. CARR
JAMES H. HAM III
MARY E. LISHERR
DAVID N. SHANE
ROBERT D. SWHIER, JR.
GEORGE W. PENDYGRAFT
THEODORE J. ESPING
BRIAN E. BURKE
ROBERT W. ELZER
JOHN W. PURCELL
THOMAS A. VOGTNER
DAVID C. WORELL
MARK B. BARNES

JOSEPH DANIELS
1914-1973

FRANCINA A. DLOUHY
JOHN E. POLLEY
ROBERT P. CHAMNESS
STEVEN L. HOUSEHOLDER
J. DANIEL OOREN
TIBOR D. KLOPPER
HARRY F. McNAUGHT, JR.
GEORGE M. FLEWIS
GEORGE W. BOMERS
ERIC T. FREYPOOLE
DAVID E. HERZING
RANDY D. LOSER
CHRISTOPHER G. SCANLON
MARC W. SCISCOR
JOHN B. SWARBRICK, JR.
ROBERTA SABIN HECKER
MICHAEL A. NARDOLILLI
JEFFERY B. RISINGER
ROBERT E. STANLEY

* ADMITTED IN D. C. ONLY

PAUL N. BOWE
OF COUNSEL

September 27, 1982

Mr. Dan Strahl
Land Application Group
Division of Water Pollution Control
Room 336
Indiana State Board of Health
1330 West Michigan Street
Indianapolis, Indiana 46202

Re: Rock Island Land Application Facility

Dear Mr. Strahl:

On September 10, 1982, representatives of Rock Island Refining Corporation (Rock Island) met with you and Mr. Bruce Palin, Land Pollution Control Division, Indiana State Board of Health, to discuss the land application facility owned and operated by Rock Island at 5000 West 86th Street, Indianapolis, Indiana. During that meeting, Rock Island reported its intent to seek a permit from the Stream Pollution Control Board for its land application facility. Rock Island also sought guidance from the staff as to whether Rock Island could operate its land application facility pending consideration of that application by Water Pollution Control Division.

As we related at the meeting, Rock Island made application on September 9, 1980, with the Indiana Environmental Management Board for a provisional permit to land apply some of the wastes from its refining operation in Marion County, Indiana. The Technical Secretary to the Environmental Management Board issued to Rock Island a construction permit for its land application facility on November 18, 1980. Rock Island also sought interim status for this facility under regulations issued pursuant to the Resource Conservation and Recovery Act (RCRA), 42 U.S.C.

COPY

SEP 28 9 24 PM '82

§§ 6901 et seq. (hereafter the RCRA regulations) because Rock Island originally intended to apply to this facility certain wastes, generated at its refinery, which were characterized as hazardous by the RCRA regulations. 40 C.F.R., Part 261. Rock Island filed the Part A application for interim status on November 18, 1980. 40 C.F.R. § 123.23.

Subsequently, Rock Island elected to proceed with the land application facility in two phases. In the first phase, Rock Island intended to apply to thirty acres of the facility materials taken from BS&W ponds located at the Refinery. These BS&W materials were not hazardous wastes for purposes of the federal RCRA regulations. See 40 C.F.R., Part 261, Subpart C. On January 20, 1981, the Technical Secretary modified Rock Island's construction permit for its land application facility, allowing application of the BS&W materials. The Technical Secretary issued an operating permit (No. 49-5) for that phase of the facility's operation on June 24, 1981.

In the second phase, Rock Island had intended to apply hazardous wastes on the remaining ten acres of the 40-acre land application facility. Rock Island later decided, based on a number of considerations, that it would not apply any RCRA designated hazardous wastes to any part of the land application facility. First, Rock Island was able to put into operation an existing vacuum filtration unit that achieved a significant reduction in the volume of hazardous waste, thereby making offsite disposal of such wastes economically reasonable. Second, Rock Island successfully petitioned EPA for a "delisting" of its wastes from the EPA hazardous waste list. (EPA notified Rock Island in March, 1982, that it had determined preliminarily to delist the Rock Island wastes. A copy of that notice is enclosed.) As a result, Rock Island has never applied to any part of its land application facility wastes characterized as hazardous by the RCRA regulations. 40 C.F.R., Part 261.

Because Rock Island has not and does not intend to apply hazardous wastes to its land application facility, this facility falls within the purview of the Stream Pollution Control Board regulations dealing with the application upon or incorporation into the soil of industrial wastewater, waste products and sludge. 330 IAC 3.3. In addition, it would seem unnecessarily burdensome on the State Board of Health staff for Rock Island to seek both a renewal of the operating permit (No. 49-5) and a permit pursuant to 330 IAC 3.3. For those reasons, Rock Island sought a clarification as to whether it could operate the land application facility if it only applied for a permit from the Stream

Mr. Dan Strahl

-3

September 27, 1982

Pollution Control Board pursuant to 330 IAC 3.3. Based on discussions during the meeting of September 10, 1982, it is our understanding that both the Water Pollution Control Division and Land Pollution Control Division agree that Rock Island may proceed with its land application facility by complying with the Stream Pollution Control Board requirements for land application projects. 330 IAC 3.3.

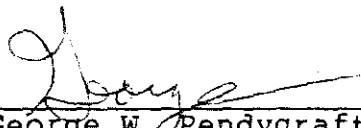
We further understand Water Pollution Control Division's position to be that Rock Island's land application facility is an on-going land application operation, and, as such, may continue to operate if the application for the facility is filed on or before October 1, 1982. Rock Island will file timely such an application.

We appreciate your assistance in resolving these areas of concern to us. Please feel free to contact Mr. William E. Laque or the undersigned (317/636-4535) should you have questions or comments with respect to this matter.

Very truly yours,

BAKER & DANIELS

By


George W. Pendygraft

GWP/js

Enclosure

cc: Mr. Bruce Palin
Mr. William E. Laque ✓

7

MAY 22 1992

HRE-8J

Ms. Patricia Sorenson
Environmental Coordinator
Marathon Oil Company
P.O. Box 68007
Indianapolis, Indiana 46268-0007

Re: Return to Compliance
Marathon Oil Company
IND 006 417 430

Dear Ms. Sorenson:

We have received and reviewed your letter of March 25, 1992, regarding our Notice of Violation (NOV) dated February 19, 1992.

The information submitted with your letter appears to meet the requirements of the land disposal restriction regulation found at 40 CFR Part 268. We have, therefore, returned this facility to compliance for those violations cited in our NOV.

If you should have any further questions, please contact Rebecca Groulx of my staff at (312) 886-4437.

Sincerely yours,

Uylaine E. McMahan, Chief
IN/MN/OH Enforcement Program Section

cc: Dennis Zawodni, IDEM

bcc: Uylaine McMahan, REB
Compliance File

sorenson.rtc

5/19/92

CONCURRENCE REQUESTED FROM REB			
OTHER STAFF	REB STAFF	REB SECTION CHIEF	REB BRANCH CHIEF
	OK 5/19/92	SEM 5/19/92	

1997



P.O. Box 68007
Indianapolis, Indiana 46268-0007
Telephone 317/872-3200

RECEIVED
MAR 27 1992
OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V

March 25, 1992

Ms. Uylaine E. McMahan, Chief
IN/MN/OH Enforcement Program Section (HRE-8J)
United States Environmental Protection Agency
Region V
77 West Jackson Boulevard
Chicago, IL 60604-3590

RE: Notice of Violation Marathon Petroleum Co.
Indiana Refining Division,
Indianapolis, Indiana

Dear Ms. McMahan:

This letter is in response to the Notice of Violation issued by the United States Environmental Protection Agency (USEPA), Region V, dated February 19, 1992 and received on February 26, 1992. The correct EPA ID No. for Marathon Oil Company, Indiana Refining Division is IND 006 417 430.

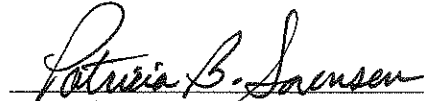
Marathon Oil Company, Indiana Refining Division, is in compliance with the Land Disposal Restriction Regulations. Proper notifications are sent with each shipment of hazardous waste. A copy of each notification is retained on-site. An example of the forms that are sent with shipments to the disposal sites currently utilized by Marathon are included per your request.

Concerning the shipments cited in the December 1990 IDEM inspection report the following information has been gathered. A copy of the land disposal restriction notice could not be obtained from Safety-Kleen for shipments on 9/17/90, 10/1/90, 10/19/90, and 11/14/90. Forms have been sent to Safety-Kleen for these loads with a copy on file. The file copy of the notice for the 9/7/90 shipment to Safety-Kleen was located in our records. Copies of these forms are enclosed. The current forms for shipments to Systech include all the necessary references to the treatment standards.

Ms. Uylaine E. McMahan
March 25, 1992

Please contact the undersigned at 317/872-3200 if you have any questions.

Sincerely,



Patricia B. Sorensen
Environmental Coordinator

enclosure

cc: R. Andes, MOC

TO: SAFETY-KLEEN CORPORATION
(DESIGNATED FACILITY)

EPA ID NO. OH D 980587364
(DESIGNATED FACILITY)

ADDRESS: 581 Milliken Dr SE Hebron OH 43025

INA 0457485

Under manifest number 457485, and/or sales/service acknowledgement number 715482, the generator noted below is shipping to you a waste determined to be restricted under 40 CFR Part 266. In accordance with 40 CFR 266.7, the generator hereby provides notice that the waste is restricted from land disposal. A copy of this form must be kept by the generator and facility for five (5) years from the date of waste shipment.

I am a small quantity generator (100-1,000 kg/mo). This notice applies to all waste shipments under my service contract with Safety-Kleen Corp. It covers today's shipment on manifest number _____, or sales/service acknowledgement number _____, and all subsequent shipments. A copy of this notice will be maintained with the service contract(s) or sales/service acknowledgement(s) for five (5) years beyond the termination of the service contract.

PLEASE CHECK THE APPROPRIATE BOXES	WASTE NAME	EPA WASTE CODE	THE WASTE MAY CONTAIN THE FOLLOWING RESTRICTED CONSTITUENTS	TREATMENT STANDARD (mg/l) OR METHOD
	<input checked="" type="checkbox"/> Waste Petroleum Naphtha	D001	Ignitable Liquid Halogenated organic compounds may include: —Methylene chloride —Tetrachloroethylene —Toluene —1,1,1 trichloroethane —Trichloroethylene —Xylene	Incineration, fuel substitution or recovery. See individual standards per 40 CFR 268.43 (a) 0.96 0.06 0.33 0.41 0.091 0.15
	<input type="checkbox"/> Waste Petroleum Naphtha (sludges from Safety-Kleen Service Center Operations)	D001, D006, D008	All of the above, plus: —Cadmium —Lead	
	<input type="checkbox"/> Waste Compound Cleaning Liquid/ Immersion Cleaner	F002, F004	Cresylic Acid 1, 2-dichlorobenzene Methylene Chloride	0.75 0.125 0.96
	<input type="checkbox"/> Waste Perchloroethylene	F002	Tetrachloroethylene	0.06
	<input type="checkbox"/> Waste Trichlorotrifluoroethane	F002	Trichlorotrifluoroethane	0.96
	<input type="checkbox"/> Waste 1,1,1 Trichloroethane	F002	1,1,1 Trichloroethane	0.41
	<input type="checkbox"/> Waste Paint Related Material	F005, F003, D001, D006, D008	Acetone Methyl Ethyl Ketone Methyl Isobutyl Ketone Toluene Xylene Cadmium Chromium Lead Ignitable Liquid	0.59 0.75 0.33 0.33 0.15 1.0 5.0 5.0 Incineration, fuel substitution or recovery.

The constituent composition is based on knowledge of the waste (via Material Safety Data Sheets for the chemical(s) used, and the process which created the waste).

Generator Company: MARATHON Petroleum CO

EPA ID NO: IND 006417430

Generator's Signature: X J E Clark

Date: 9-7-96

Printed Name and Title of Representative: J. E. CLARK

Safety-Kleen Corp. manages the above waste through its recycling and fuels programs in accordance with all applicable elements of the land disposal restrictions.

CUSTOMER

PART NO. 1328 (REV. 5/90)



NOTICE OF LAND DISPOSAL RESTRICTION OF WASTE

EPA ID NO.

JHD980587354

TO: SAFETY-KLEEN CORP.
(DESIGNATED FACILITY)

(DESIGNATED FACILITY)

ADDRESS: SAFETY-KLEEN CORP.
581 MILLIKEN DR SE
HEBRON, OHIO 43025

INA 0473010

Under manifest number 88786

the generator noted below is shipping to you a waste determined to be restricted under 40 CFR Part 268. In accordance with 40 CFR 268.7, the generator hereby provides notice that the waste is restricted from land disposal. A copy of this form must be kept by the generator and facility for five (5) years from the date of waste shipment.

I am a small quantity generator (100-1,000 kg/mo) in accordance with 40 CFR 268.7. This notice applies to all waste shipments under my service contract with Safety-Kleen Corp. It covers today's shipment on manifest No. _____, or sales / service acknowledgement No. _____, and all subsequent shipments. A copy of this notice will be maintained with the service contract(s) or sales/service acknowledgement(s) for five (5) years beyond the termination of the service contract.

PLEASE CHECK THE APPROPRIATE BOXES	WASTE NAME	EPA WASTE CODE	THE WASTE MAY CONTAIN THE FOLLOWING RESTRICTED CONSTITUENTS	TREATMENT STANDARD (mg/l) OR METHOD (FOR NON-WASTE WATER)
	<input checked="" type="checkbox"/> Waste Petroleum Naphtha	D001	Ignitable Liquid (High TOC Subcategory) Halogenated Organic Compounds (HOC's) ≥ 1000 mg/l	Incineration (INCIN), fuel substitution (FSUBS) or recovery (RORGS) INCIN
	<input type="checkbox"/> Waste Petroleum Naphtha (sludges from Safety-Kleen Service Center Operations)	D001, D006, D007, D008,	All of the above, plus: —Cadmium —Chromium —Lead	1.0 5.0 5.0
	<input type="checkbox"/> Waste Compound Cleaning Liquid/ Immersion Cleaner 609	F002, F004, D006, D007, D008,	Cresylic Acid 1, 2-dichlorobenzene Methylene Chloride —Cadmium —Chromium —Lead	0.75 0.125 0.98 1.0 5.0 5.0
	<input type="checkbox"/> Waste Compound Cleaning Liquid/ Immersion Cleaner 699	D006, D007, D008,	HOC's ≥ 1000 mg/l —Cadmium —Chromium —Lead	INCIN 1.0 5.0 5.0
	<input type="checkbox"/> Waste Perchloroethylene	F002	Tetrachloroethylene	0.05
	<input type="checkbox"/> Waste Trichloro- trifluoroethane	F002	Trichlorotrifluoroethane	0.98
	<input type="checkbox"/> Waste 1,1,1 Trichloroethane	F002	1,1,1 Trichloroethane	0.41
	<input type="checkbox"/> Waste Paint Related Material	F005, F003, D006, D007, D008, D001,	Acetone Methyl Ethyl Ketone Methyl Isobutyl Ketone Toluene Xylene Cadmium Chromium Lead Ignitable Liquid (High TOC Subcategory)	0.58 0.75 0.33 0.33 0.15 1.0 5.0 5.0 INCIN, FSUBS, or RORGS

The constituent composition is based on knowledge of the waste (via Material Safety Data Sheets for the chemical(s) used, and the process which created the waste). This listing does not include waste codes which are not yet restricted from land disposal.

*These treatment standards do not preclude reclamation prior to final disposition.

4-076-02-7225 0304 994394

Generator Company: MARATHON PETROLEUM CO

EPA ID NO.: IND006417430

Generator's Signature: X Pat Sorensen

shipment date 09/17/90
Form completed to replace
Date: missing notice.

Printed Name and Title of Generator: Pat Sorensen Env. Coord. 3/25/92

Safety-Kleen Corp. manages the above waste through its recycling and fuels programs in accordance with all applicable elements of the land disposal restrictions.

GENERATOR

Part No. 1328 (Rev. 11/90)



NOTICE OF LAND DISPOSAL RESTRICTION OF WASTE

EPA ID NO.

JHD980587364

TO: SAFETY-KLEEN CORP.
(DESIGNATED FACILITY)

(DESIGNATED FACILITY)

ADDRESS: SAFETY-KLEEN CORP
581 MILLIKEN DR SE
HEBRON, OHIO 43025

INA 0480239

Under manifest number 42689

the generator noted below is shipping to you a waste determined to be restricted under 40 CFR Part 268. In accordance with 40 CFR 268.7, the generator hereby provides notice that the waste is restricted from land disposal. A copy of this form must be kept by the generator and facility for five (5) years from the date of waste shipment.

I am a small quantity generator (100-1,000 kg/mo) in accordance with 40 CFR 268.7. This notice applies to all waste shipments under my service contract with Safety-Kleen Corp. It covers today's shipment on manifest No. _____, or sales / service acknowledgement No. _____, and all subsequent shipments. A copy of this notice will be maintained with the service contract(s) or sales/service acknowledgement(s) for five (5) years beyond the termination of the service contract.

PLEASE CHECK THE APPROPRIATE BOXES	WASTE NAME	EPA WASTE CODE	THE WASTE MAY CONTAIN THE FOLLOWING RESTRICTED CONSTITUENTS	TREATMENT STANDARD (mg/l) OR METHOD (FOR NON-WASTE WATER)
	<input checked="" type="checkbox"/> Waste Petroleum Naphtha	D001	Ignitable Liquid (High TOC Subcategory) Halogenated Organic Compounds (HOC's) ≥ 1000 mg/l	Incineration (INCIN), fuel substitution (FSUBS) or recovery (RORGS) INCIN
	<input type="checkbox"/> Waste Petroleum Naphtha (sludges from Safety-Kleen Service Center Operations)	D001, D006, D007, D008,	All of the above, plus: —Cadmium —Chromium —Lead	1.0 5.0 5.0
	<input type="checkbox"/> Waste Compound Cleaning Liquid/ Immersion Cleaner 609	F002, F004, D006, D007, D008,	Cresylic Acid 1, 2-dichlorobenzene Methylene Chloride —Cadmium —Chromium —Lead	0.75 0.125 0.98 1.0 5.0 5.0
	<input type="checkbox"/> Waste Compound Cleaning Liquid/ Immersion Cleaner 699	D006, D007, D008,	HOC's ≥ 1000 mg/l —Cadmium —Chromium —Lead	INCIN 1.0 5.0 5.0
	<input type="checkbox"/> Waste Perchloroethylene	F002	Tetrachloroethylene	0.06
	<input type="checkbox"/> Waste Trichloro- trifluoroethane	F002	Trichlorotrifluoroethane	0.98
	<input type="checkbox"/> Waste 1,1,1 Trichloroethane	F002	1,1,1 Trichloroethane	0.41
	<input type="checkbox"/> Waste Paint Related Material	F005, F003, D006, D007, D008, D001,	Acetone Methyl Ethyl Ketone Methyl Isobutyl Ketone Toluene Xylene Cadmium Chromium Lead Ignitable Liquid (High TOC Subcategory)	0.59 0.75 0.33 0.33 0.15 1.0 5.0 5.0 INCIN, FSUBS, or RORGS

The constituent composition is based on knowledge of the waste (via Material Safety Data Sheets for the chemical(s) used, and the process which created the waste). This listing does not include waste codes which are not yet restricted from land disposal.

*These treatment standards do not preclude reclamation prior to final disposition.

4-076-02-7225 0304 994394

Generator Company: MARATHON PETROLEUM CO

EPA ID NO.: IND006417430

Generator's Signature: Pat Sorensenshipment date 10-01-90
Form completed to replace
Date: missing date.

Printed Name and Title of Generator: Pat Sorensen Envir. Coord. 3/25/92

Safety-Kleen Corp. manages the above waste through its recycling and fuels programs in accordance with all applicable elements of the land disposal restrictions.

GENERATOR

Rev. 11/11/88 (Rev. 11/88)



NOTICE OF LAND DISPOSAL RESTRICTION OF WASTE

EPA ID NO.

JHD980587364

TO: SAFETY-KLEEN CORP.
(DESIGNATED FACILITY)

(DESIGNATED FACILITY)

ADDRESS: SAFETY-KLEEN CORP
581 MILLIKEN DR SE
HEBRON, OHIO 43025

INA 0492759

Under manifest number 59504

the generator noted below is shipping to you a waste determined to be restricted under 40 CFR Part 268. In accordance with 40 CFR 268.7, the generator hereby provides notice that the waste is restricted from land disposal. A copy of this form must be kept by the generator and facility for five (5) years from the date of waste shipment.

I am a small quantity generator (100-1,000 kg/mo) in accordance with 40 CFR 268.7. This notice applies to all waste shipments under my service contract with Safety-Kleen Corp. It covers today's shipment on manifest No. _____, or sales / service acknowledgement No. _____ and all subsequent shipments. A copy of this notice will be maintained with the service contract(s) or sales/service acknowledgement(s) for five (5) years beyond the termination of the service contract.

PLEASE CHECK THE APPROPRIATE BOXES	WASTE NAME	EPA WASTE CODE	THE WASTE MAY CONTAIN THE FOLLOWING RESTRICTED CONSTITUENTS	TREATMENT STANDARD (mg/l) OR METHOD (FOR NON-WASTE WATER)
	<input checked="" type="checkbox"/> Waste Petroleum Naphtha	D001	Ignitable Liquid (High TOC Subcategory) Halogenated Organic Compounds (HOC's) ≥ 1000 mg/l	Incineration (INCIN), fuel substitution (FSUBS) or recovery (RORGS) INCIN
	<input type="checkbox"/> Waste Petroleum Naphtha (sludges from Safety-Kleen Service Center Operations)	D001, D006, D007, D008,	All of the above, plus: —Cadmium —Chromium —Lead	1.0 5.0 5.0
	<input type="checkbox"/> Waste Compound Cleaning Liquid/ Immersion Cleaner 609	F002, F004, D006, D007, D008,	Cresylic Acid 1, 2-dichlorobenzene Methylene Chloride —Cadmium —Chromium —Lead	0.75 0.125 0.96 1.0 5.0 5.0
	<input type="checkbox"/> Waste Compound Cleaning Liquid/ Immersion Cleaner 699	D006, D007, D008,	HOC's ≥ 1000 mg/l —Cadmium —Chromium —Lead	INCIN 1.0 5.0 5.0
	<input type="checkbox"/> Waste Perchloroethylene	F002	Tetrachloroethylene	0.05
	<input type="checkbox"/> Waste Trichloro- trifluoroethane	F002	Trichlorotrifluoroethane	0.96
	<input type="checkbox"/> Waste 1,1,1 Trichloroethane	F002	1,1,1 Trichloroethane	0.41
	<input type="checkbox"/> Waste Paint Related Material	F005, F003, D006, D007, D008, D001,	Acetone Methyl Ethyl Ketone Methyl Isobutyl Ketone Toluene Xylene Cadmium Chromium Lead Ignitable Liquid (High TOC Subcategory)	0.59 0.75 0.33 0.33 0.15 1.0 5.0 5.0 INCIN, FSUBS, or RORGS

The constituent composition is based on knowledge of the waste (via Material Safety Data Sheets for the chemical(s) used, and the process which created the waste). This listing does not include waste codes which are not yet restricted from land disposal.

*These treatment standards do not preclude reclamation prior to final disposition.

4-076-02-7225 0304 994394

Generator Company: MARATHON PETROLEUM CO

EPA ID NO.: IND006417430

Generator's Signature: Pat Sorensenshipment date: 10-19-90
Form completed to replace
Date: missing notice.Printed Name and Title of Generator: Pat Sorensen Envr. Coord. 3/25/92

Safety-Kleen Corp. manages the above waste through its recycling and fuels programs in accordance with all applicable elements of the land disposal restrictions.

GENERATOR



NOTICE OF LAND DISPOSAL RESTRICTION OF WASTE

EPA ID NO.

JHD980587354

TO: SAFETY-KLEEN CORP.
(DESIGNATED FACILITY)

(DESIGNATED FACILITY)

ADDRESS:

SAFETY-KLEEN CORP
581 MILLIKEN DR SE
HEBRON, OHIO 43025

INA 0503978

OPTION A

Under manifest number 06309

the generator noted below is shipping to you a waste determined to be restricted under 40 CFR Part 268. In accordance with 40 CFR 268.7, the generator hereby provides notice that the waste is restricted from land disposal. A copy of this form must be kept by the generator and facility for five (5) years from the date of waste shipment.

OPTION B

I am a small quantity generator (100-1,000 kg/mo) in accordance with 40 CFR 268.7. This notice applies to all waste shipments under my service contract with Safety-Kleen Corp. It covers today's shipment on manifest No. _____, or sales / service acknowledgement No. _____, and all subsequent shipments. A copy of this notice will be maintained with the service contract(s) or sales/service acknowledgement(s) for five (5) years beyond the termination of the service contract.

PLEASE CHECK THE APPROPRIATE BOXES	WASTE NAME	EPA WASTE CODE	THE WASTE MAY CONTAIN THE FOLLOWING RESTRICTED CONSTITUENTS	TREATMENT STANDARD (mg/l) OR METHOD (FOR NON WASTE WATER)
	<input checked="" type="checkbox"/> Waste Petroleum Naphtha	D001	Ignitable Liquid (High TOC Subcategory) Halogenated Organic Compounds (HOC's) ≥ 1000 mg/l	Incineration (INCIN), fuel substitution (FSUBS) or recovery (RORGS) INCIN
	<input type="checkbox"/> Waste Petroleum Naphtha (sludges from Safety-Kleen Service Center Operations)	D001, D006, D007, D008,	All of the above, plus: —Cadmium —Chromium —Lead	1.0 5.0 5.0
	<input type="checkbox"/> Waste Compound Cleaning Liquid/ Immersion Cleaner 609	F002, F004, D006, D007, D008,	Cresylic Acid 1, 2-dichlorobenzene Methylene Chloride —Cadmium —Chromium —Lead	0.75 0.125 0.96 1.0 5.0 5.0
	<input type="checkbox"/> Waste Compound Cleaning Liquid/ Immersion Cleaner 609	D006, D007, D008,	HOC's ≥ 1000 mg/l —Cadmium —Chromium —Lead	INCIN 1.0 5.0 5.0
	<input type="checkbox"/> Waste Perchloroethylene	F002	Tetrachloroethylene	0.05
	<input type="checkbox"/> Waste Trichloro- trifluoroethane	F002	Trichlorotrifluoroethane	0.96
	<input type="checkbox"/> Waste 1,1,1 Trichloroethane	F002	1,1,1 Trichloroethane	0.41
	<input type="checkbox"/> Waste Paint Related Material	F005, F003, D006, D007, D008, D001,	Acetone Methyl Ethyl Ketone Methyl Isobutyl Ketone Toluene Xylene Cadmium Chromium Lead Ignitable Liquid (High TOC Subcategory)	0.59 0.75 0.33 0.33 0.15 1.0 5.0 5.0 INCIN, FSUBS, or RORGS

The constituent composition is based on knowledge of the waste (via Material Safety Data Sheets for the chemical(s) used, and the process which creates the waste). This listing does not include waste codes which are not yet restricted from land disposal.

*These treatment standards do not preclude reclamation prior to final disposition.

4-076-02-7225 0304 99439

Generator Company: MARATHON PETROLEUM CO

EPA ID NO.: IND006417430

Generator's Signature:

shipment date 11-14-90

Form completed to replace

Date:

Printed Name and Title of Generator:

Pat Sorensen ENVR. COORD. 3/25/92 missing notice

Safety-Kleen Corp. manages the above waste through its recycling and fuels programs in accordance with all applicable elements of the land disposal restrictions.

NOTIFICATION OF HAZARDOUS WASTE RESTRICTED LAND DISPOSAL

Systech Environmental Corporation
245 North Valley Road
Xenia, Ohio 45385

This form must be completed by the generator and should accompany each shipment of waste subject to land ban restrictions (40 CFR 268). Use a separate form for each line (11a, 11b, 11c, 11d) on your manifest. Check the appropriate category(ies) on the table(s) from Sections I, II, and III below and be sure to sign at the bottom.

Generator Name: _____ EPA I.D. #: _____

Manifest Doc No.: _____ Systech Waste Profile No.: _____

Date of Shipment: _____ EPA Waste Code _____

MANIFEST LINE #: () 11a () 11b () 11c () 11d _____

Manifest No: _____

I. The wastes identified on the above-mentioned manifest number and bearing the EPA Hazardous Waste Number(s) identified above are subject to the land disposal restrictions of 40 CFR Part 268. The wastes do not meet the treatment standards specified in 40 CFR 268 subpart D or the prohibitions specified in 40 CFR 268.32 or RCRA Section 3004 (d). In compliance with the notification requirements of 40 CFR 268, we are indicating below the applicable subcategory, Treatability Group and Treatment Standard Reference or Five Section Code for how the waste must be treated.

F001 to F005 Solvent Wastes

Hazardous Waste Description	Constituents of Concern	Non-Wastewater Total Composition, mg/kg CCW1	TCLP, mg/L		Wastewater, Total Composition, mg/L CCW1	TCLP, mg/L	
			CCWE2			CCWE2	
F001 - Spent halogenated solvents used in degreasing	Carbon tetrachloride		0.96	_____		0.05	_____
	Methylene chloride		0.96	_____		0.20	_____
	Tetrachloroethylene		0.05	_____		0.079	_____
	1,1,1-trichloroethane		0.41	_____		1.05	_____
	Trichloroethylene		0.091	_____		0.062	_____
	1,1,2-Trichloro-1,2,2-trifluoroethane		0.96	_____		1.05	_____
	Trichlorofluoromethane		0.96	_____		0.05	_____
F002-Spent halogenated solvents	Chlorobenzene		0.05	_____		0.15	_____
	1,2-Dichlorobenzene		0.125	_____		.65	_____
	Methylene chloride		0.96	_____	.44	0.20	_____
	Methylene chloride (from the pharmaceutical industry)			_____			_____
	Tetrachloroethylene		0.05	_____		0.079	_____
	1,1,1-Trichloroethane		0.41	_____		1.05	_____
	1,1,2-Trichloroethane	7.6		_____	0.030	0.062	_____
	Trichloroethylene		.091	_____		1.05	_____
	1,1,2-Trichloro-1,2,2-trifluoroethane		0.96	_____		0.05	_____
F003-Spent nonhalogenated solvents	Acetone		0.59	_____		0.05	_____
	n-Butyl alcohol		5.0	_____		5.0	_____
	Cyclohexanone		0.75	_____		0.125	_____
	Ethyl acetate		0.75	_____		0.05	_____
	Ethyl benzene		0.053	_____		0.05	_____
	Ethyl ether		0.75	_____		0.05	_____
	Methanol		0.75	_____		0.25	_____
	Methyl isobutyl ketone		0.33	_____		0.05	_____
	Xylene		0.15	_____		0.05	_____
F004-Spent nonhalogenated solvents	Cresols (and cresylic acid)		0.750	_____		2.82	_____
	Nitrobenzene		0.125	_____		0.66	_____
F005-Spent nonhalogenated solvents	Benzene	3.7		_____	0.070		_____
	Carbon disulfide		4.81	_____		1.05	_____
	2-Ethoxyethanol	Incineration		_____	Biological degradation or incineration		_____
	Isobutanol		5.0	_____		5.0	_____
	Methyl ethyl ketone		0.75	_____		0.05	_____
	2-Nitropropane	Incineration		_____	(Wet oxidation or chemical oxidation) followed by carbon adsorption or incineration		_____
	Pyridine		0.33	_____		1.12	_____
	Toluene		0.33	_____		1.12	_____

II. California List Wastes

- () PCBs >50 ppm (incineration).
- () Liquid hazardous wastes that contain halogenated organic compounds (HOC's) in total concentration > or = to 1,000 mg/l liquids or 1,000 mg/kg (nonliquids). (INCINERATION) (HOC's found in 268.32 Appendix III, see attached).
- () Nickel (liquid waste) >134 ppm.
- () Thallium (liquid waste) >130 ppm.

III. Additional Hazardous Characteristics

- () No additional Hazardous Characteristics are exhibited by this waste which would require treatment beyond the standards described above.
- () Treatment Standards for the additional Hazardous Characteristics requiring treatment are indicated below.

Table A: TREATMENT STANDARDS FOR ADDITIONAL HAZARDOUS WASTE CHARACTERISTIC TREATMENT STANDARDS (40 CFR 268)
Check any applicable subcategories.

Hazardous Waste Subcategories	Constituents of Concern	NONWASTEWATER		WASTEWATER	
		Total Composition mg/kg	TCLF mg/L	Total Composition mg/L	
— D001 - Ignitable liquids High - TOC nonwastewater (>10% TOC)		INCIN, FSUBS, RORGS		N.A.	
— D001 - Ignitable liquids (Low TOC nonwastewater 1% TOC <10%)		DEACT		N.A.	
— D001 - Ignitable liquids wastewater (<1% TOC <1% TSS)		N.A.		DEACT	
— D001 - Ignitable compressed gases		DEACT		N.A.	
— D001 - Ignitable reactives		DEACT		N.A.	
— D001 - Oxidizers		DEACT		DEACT	
— D002 - Acidic corrosives		DEACT		DEACT	
— D002 - Alkaline corrosives		DEACT		DEACT	
— D002 - Other corrosives		DEACT		DEACT	
— D004 - Arsenic	Arsenic		5	5	
— D005 - Barium	Barium		100	100	
— D006 - Cadmium	Cadmium		1	1	
— D007 - Chromium	Chromium (total)		5	5	
— D008 - Lead	Lead		5	5	
— D009 - Low mercury (< 260mg/kg total Hg)	Mercury		0.2	0.2	
— D009 - High mercury (≥ or = 260 mg/kg total Hg)	Mercury w/organics	IMERC, RMERC			
	Mercury w/inorganics	RMERC			
— D010 - Selenium	Selenium		5.7	1	
— D011 - Silver	Silver		5	5	
— D012 - Endrin	Endrin	0.13		INCIN, BIOOG	
— D013 - Lindane	Lindane	0.066		INCIN, CAREN	
— D014 - Methoxychlor	Methoxychlor	0.18		INCIN, WETOX	
— D015 - Toxaphene	Toxaphene	1.3		INCIN, BIOOG	
— D016 - 2,4-D	2,4-D	10		INCIN, CHORD, BIOOG	
— D017 - 2,4,5-Silvex	2,4,5-TP	7.9		INCIN, CHORD	

Abbreviations of technology codes from 40 CFR 268.42:

INCIN (Incineration)	DEACT (Deactivation to remove the characteristic)
FSUBS (Fuel substitution)	RTHRM (Thermal recovery)
ROORG (Recovery of organics)	RLPAD (Thermal recovery of lead in secondary smelters)
IRNRC (Roasting/retorting of organics)	AMLMG (Amalgamation)
INCRC (Incineration followed by roasting/retorting of ash)	BIODG (Biodegradation)
WEROX (Wet air oxidation)	CAREN (Carbon adsorption)
	CHMO (Chemical Oxidation)

Table B: 1. List all U.S. EPA hazardous waste codes requiring treatment beyond the standards described in Sections I, II, and Table A. For each waste code: 2. Identify the appropriate line # from the manifest Section II; 3. List the corresponding subcategory, check none if there is no subcategory; 4. Complete the treatment standards section by placing a checkmark in the appropriate performance-based column or write the appropriate code in the specific technology column (listed above); and 5. Place a checkmark in the column that applies to this waste.

[illegible]

¹CCW - Constituent concentrations in wastes. ²CCWE - Constituent concentrations in waste extract.

Certification

I hereby certify that all information submitted in this and all associated documents is complete and accurate to the best of my knowledge and information.

Company Name _____

Authorized Signature _____ Date _____

Revised 11/08/90



NOTICE OF LAND DISPOSAL RESTRICTION OF WASTE

EPA ID NO. OH0980587364
(DESIGNATED FACILITY)TO: SAFETY-KLEEN CORP.
(DESIGNATED FACILITY)ADDRESS: SAFETY-KLEEN CORP
581 MILLIKEN DR SE
HEBRON, OHIO 43025

OPTION A

Under manifest number _____, the generator noted below is shipping to you a waste determined to be restricted under 40 CFR Part 268. In accordance with 40 CFR 268.7, the generator hereby provides notice that the waste is restricted from land disposal. A copy of this form must be kept by the generator and facility for five (5) years from the date of waste shipment.

OPTION B

I am a small quantity generator (100-1,000 kg/mo) in accordance with 40 CFR 268.7. This notice applies to all waste shipments under my service contract with Safety-Kleen Corp. It covers today's shipment on manifest No. _____, or sales / service acknowledgement No. _____, and all subsequent shipments. A copy of this notice will be maintained with the service contract(s) or sales/service acknowledgement(s) for five (5) years beyond the termination of the service contract.

PLEASE CHECK THE APPROPRIATE BOXES	WASTE NAME	EPA * WASTE CODE	THE WASTE MAY CONTAIN THE FOLLOWING RESTRICTED CONSTITUENTS	TREATMENT STANDARD (mg/l) OR METHOD (FOR NON-WASTE WATER)
	<input checked="" type="checkbox"/> Waste Petroleum Naphtha	D001	Ignitable Liquid (High TOC Subcategory) Halogenated Organic Compounds (HOC's) ≥ 1000 mg/l	Incineration (INCIN), fuel substitution (FSUBS) or recovery (RORGS) INCIN
	<input type="checkbox"/> Waste Petroleum Naphtha (sludges from Safety-Kleen Service Center Operations)	D001, D006, D007, D008,	All of the above, plus: —Cadmium —Chromium —Lead	1.0 5.0 5.0
	<input type="checkbox"/> Waste Compound Cleaning Liquid/ Immersion Cleaner 609	F002, F004, D006, D007, D008,	Cresylic Acid 1, 2-dichlorobenzene Methylene Chloride —Cadmium —Chromium —Lead	0.75 0.125 0.96 1.0 5.0 5.0
	<input type="checkbox"/> Waste Compound Cleaning Liquid/ Immersion Cleaner 699	D006, D007, D008,	HOC's ≥ 1000 mg/l —Cadmium —Chromium —Lead	INCIN 1.0 5.0 5.0
	<input type="checkbox"/> Waste Perchloroethylene	F002	Tetrachloroethylene	0.05
	<input type="checkbox"/> Waste Trichlorotrifluoroethane	F002	Trichlorotrifluoroethane	0.96
	<input type="checkbox"/> Waste 1,1,1 Trichloroethane	F002	1,1,1 Trichloroethane	0.41
	<input type="checkbox"/> Waste Paint Related Material	F005, F003, D006, D007, D008, D001,	Acetone Methyl Ethyl Ketone Methyl Isobutyl Ketone Toluene Xylene Cadmium Chromium Lead Ignitable Liquid (High TOC Subcategory)	0.59 0.75 0.33 0.33 0.15 1.0 5.0 5.0 INCIN, FSUBS, or RORGS

The constituent composition is based on knowledge of the waste (via Material Safety Data Sheets for the chemical(s) used, and the process which created the waste). This listing does not include waste codes which are not yet restricted from land disposal.

*These treatment standards do not preclude reclamation prior to final disposition.

4-076-02-7225 0304 994394

Generator Company: MARATHON PETROLEUM COEPA ID NO.: IND006417430Generator's Signature: X

Date: _____

Printed Name and Title of Generator: _____



LWD, INC.

P.O. BOX 327 - CALVERT CITY, KENTUCKY 42029

LAND RESTRICTION NOTIFICATION FORM

Generator Name MARATHON OIL COMPANY Manifest Document Number _____

LWD PC#s _____ State Manifest Document Number _____

This form is submitted to LWD, Inc. in compliance with 40 CFR 268.7.

I. WASTE IDENTIFICATION

Identify all U.S. EPA hazardous waste number(s), subcategory(ies) and treatability group(s) applicable to this waste shipment.

A. D001:

- 1) Ignitable Liquids: a) NW^1 TOC $\geq 10\%$; b) NW^1 1% to $<10\%$ TOC; c) WW^2
2) Ignitable Compressed Gases; 3) Ignitable Reactives; 4) Oxidizers

B. D002: 1) Acids; 2) Alkaline; 3) Other Corrosives

C. D003: 1) Reactive Cyanides; 2) Reactive Sulfides; 3) Explosives; 4) Water Reactives; 5) Other Reactives

D. D009: K106: U151: 1) Low Mercury; 2) High Mercury

E. F025: 1) Light Ends; 2) Spent Filters/Aids & Desiccants

F. K061: 1) Low Zinc; 2) High Zinc

G. ALL OTHER U.S. EPA HAZARDOUS WASTE NUMBERS K048, K049, K050, K051 and D018

SUBCATEGORIES (IF APPLICABLE)

H. Treatability Group (if not previously indicated):

 Wastewater; ☒ Non-Wastewater; List any others _____

II. LAND DISPOSAL RESTRICTIONS

- ☒ A. Restricted wastes with EPA hazardous waste number(s) K048, K049, K050, K051 have treatment standards expressed as constituent concentrations in waste extract (CCWE) per 40 CFR 268.41.
- ☒ B. Restricted wastes with EPA hazardous waste number(s) K048, K049, K050, K051 have treatment standards expressed as constituent concentrations in waste (CCW) per 40 CFR 268.43.
- C. Restricted wastes with EPA hazardous waste number(s) _____ have treatment standards expressed as a specific technology per 40 CFR 268.42. List the applicable five-letter treatment code:
 INCIN: DEACT: STABL: Other
- D. Wastes with EPA hazardous waste number(s) _____ having a treatment standard based on incineration and are contaminated soil and debris, are not subject to the land disposal prohibition until _____.
- E. Wastes with EPA hazardous waste number(s) _____ subject to other variance, extension or exemptions: Specify _____.

¹ Non-Wastewater; ² Wastewater

F. Wastes for which applicable treatment standards must be listed completely:

1) Spent Solvents

If U.S. EPA #'s F001, F002, F003, F004 or F005 appear in Section I, check all individual constituents contained in these waste(s) and mark the appropriate treatability group. This waste must be treated at least to the levels specified below.

F001-5 Spent Solvents	CCWE WW ²	(in mg/l) NWW ¹	F001-5 Spent Solvents	CCWE WW ²	(in mg/l) NWW ¹
Acetone	0.05	0.59	Methylene Chloride	0.20	0.96
n-Butanol	5.00	5.00	Methyl Ethyl Ketone	0.05	0.75
Carbon Disulfide	1.05	4.81	Methyl Isobutyl Ketone	0.05	0.33
Carbon Tetrachloride	0.05	0.96	Nitrobenzene	0.66	0.125
Chlorobenzene	0.15	0.05	Pyridine	1.12	0.33
Cresols (and cresylic acid)	2.82	0.75	Tetrachloroethylene	0.079	0.05
Cyclohexanone	0.125	0.75	Toluene	1.12	0.33
1,2-Dichlorobenzene	0.65	0.125	1,1,2-Trichloro-		
Ethyl Acetate	0.05	0.75	1,2,2-Trifluoroethane	1.05	0.96
Ethylbenzene	0.05	0.053	1,1,1-Trichloroethane	1.05	0.41
Ethyl Ether	0.05	0.75	Trichloroethylene	0.062	0.091
Isobutanol	5.00	5.00	Trichlorofluoromethane	0.05	0.96
Methanol	0.25	0.75	Xylene	0.05	0.15
	CCW	(in mg/l)		Technology Code	
1,1,2-Trichloroethane	0.030	7.6	2-Nitropropane	INCIN	INCIN
Benzene	0.070	3.7	2-Ethoxyethanol	INCIN	INCIN

F001-F005 spent solvents: Pharmaceutical industry wastewater subcategory
methylene chloride: 0.44 mg/l

2) California List Wastes

Mark the following only if the relevant constituent has not already been addressed by a more specific prohibition or treatment standard.

The waste identified in Section I is a liquid hazardous waste, including free liquids associated with any solid or sludge, containing the following constituents or characteristics:

	LIMITS
pH	≤ 2.0
Free Cyanides	≥ 1,000 mg/l
Arsenic and/or compounds (as As)	≥ 500 mg/l
Cadmium and/or compounds (as Cd)	≥ 100 mg/l
Chromium (VI) and/or compounds (as Cr VI)	≥ 500 mg/l
Lead and/or compounds (as Pb)	≥ 500 mg/l
Mercury and/or compounds (as Hg)	≥ 20 mg/l
Nickel and/or compounds (as Ni)	≥ 134 mg/l
Selenium and/or compounds (as Se)	≥ 100 mg/l
Thallium and/or compounds (as Tl)	≥ 130 mg/l

Hazardous wastes (solid, sludge or liquid) containing halogenated organic compounds (HOCs) in total concentration ≥ 1,000 mg/kg.

I hereby certify that all information submitted is complete and accurate, to the best of my knowledge and information, and that the restricted waste described above has been properly identified so that the receiving treatment facility is aware of all applicable performance levels specified in 40 CFR 268 Subpart D and all applicable prohibitions set forth in Part 268.32 or RCRA Section 3004(d).

Signature _____ Title _____ Date _____

NOTICE OF LAND DISPOSAL RESTRICTION OF WASTE

TO: SAFETY-KLEEN CORP EPA ID NO: KYD053348108

STATE HWY 148

NEW CASTLE KY 40050

Under manifest number 47566 line number 11a (enter 11a, 11b, 11c, OR 11d) the Generator noted below is shipping to you a waste determined to be restricted under 40 CFR Part 268. In accordance with 40 CFR 268.7, the generator hereby provides notice that the waste is restricted and the EPA waste code and the appropriate treatment standards are as follows:

EPA Waste Codes:

F001-F005 Spent Solvents

Regulated Hazardous Constituent	TREATMENT STANDARDS (mg/l)		Check All That Apply
	Wastewater w/Solvents	All Other Solvent Wastes	
Acetone	0.05	0.59	_____
Benzene	0.07	3.7	_____
n-Butyl alcohol	5.0	5.0	_____
Carbon disulfide	1.05	4.81	_____
Carbon tetrachloride	0.05	0.96	_____
Chlorobenzene	0.15	0.05	_____
Cresols (and cresylic acid)	2.82	0.75	_____
Cyclohexanone	0.125	0.75	_____
1,2-Dichlorobenzene	0.68	0.125	_____
Ethyl acetate	0.05	0.75	_____
Ethyl benzene	0.05	0.053	<u>X</u>
Ethyl ether	0.05	0.75	_____
Isobutanol	5.0	5.0	_____
Methanol	0.25	0.75	_____
Methylene chloride	0.2	0.96	_____
Methylene chloride(from Pharm. industry)	0.44	0.96	_____
Methyl ethyl ketone	0.05	0.75	_____
Methyl isobutyl ketone	0.05	0.33	_____
Nitrobenzene	0.65	0.125	_____
Pyridine	1.12	0.33	_____
Tetrachloroethylene	0.079	0.05	_____
Toluene	1.12	0.33	_____
1,1,1-Trichloroethane	1.05	0.41	_____
1,1,2-Trichloroethane	0.03	7.6	_____
1,1,2-Trichloro-1,2,2-trifluoroethane	1.05	0.96	_____
Trichloroethylene	0.062	0.091	_____
Trichlorofluoromethane	0.05	0.96	_____
Xylene	0.05	0.15	<u>X</u>

California List Prohibited Wastes

Level (mg/l)	Treatment Standard	
Halogenated Organic Compounds	Incineration	_____
Arsenic (As) Nonwastewaters	None	_____
Mercury (Hg) Nonwastewaters	None	_____
Nickel (Ni)	None	_____
Thallium (Tl)	None	_____
Chlorinated Biphenyls (PCB's)	Incineration	_____

These treatment standards do not preclude solvent recovery prior to disposal. Subsequent disposal of unrecovered waste is subject to these standards.

Waste Descriptions and/or Treatment Subcategory

Waste Code	Description	Treatment Standards Reference in 40 CFR and Technology Codes for 40 CFR 268.42(a)		Check All That Apply
		Wastewaters	Nonwastewaters	
D001:	Wastewaters (<1.0 wt% TOC and TSS)	268.42(a) DEACT	NA	_____
	Low TOC Ignitable Liquids (<10 wt% TOC)	NA	268.42(a) DEACT	_____
	High TOC Ignitable Liquids (>10 wt% TOC)	NA	268.42(a) RORGS, FSUBS, or INCIN	<u>X</u>
D002	Corrosives, all subcategories & CA list	268.42(a) DEACT	268.42(a) DEACT	_____
D004	Arsenic (As)	268.43(a)	268.41(a)	_____
D005	Barium (Ba)	268.43(a)	268.41(a)	_____
D006	Cadmium (Cd)	268.43(a)	268.41(a)	_____
D007	Chromium (Cr)	268.43(a)	268.41(a)	_____
D008	Lead (Pb)	268.43(a)	268.41(a)	_____
D009:	Low Mercury Subcategory (<260 ppm Hg)	268.43(a)	268.41(a)	_____
	High Mercury Subcategory (>=260 ppm Hg)	268.43(a)	268.42(a) RMERC	_____
D010	Selenium (Se)	268.43(a)	268.41(a)	_____
D011	Silver (Ag)	268.43(a)	268.41(a)	_____
Other Codes	See attachment for supplemental list	_____	_____	_____

Generator Name: MARATHON PETROLEUM CO. EPA ID: IND006417430

Generator Representative Signature: _____

Name & Title of Representative: _____

Safety-Kleen Sample Number: 112288 Control Number: 0081263

NOTE: The USEPA has not determined treatment standards for the new TCLP EPA Waste Numbers: D018 through D043.

CONFIDENTIAL - SECURITY INFORMATION

SECRET

CONFIDENTIAL - SECURITY INFORMATION

1. The following information was obtained from a source who has provided reliable information in the past and is being furnished to you for your information. The source has provided information in the past which has been found to be reliable and is being furnished to you for your information.

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**Land Disposal Restrictions Notification Form
Characteristic Wastes**

This is a two part form, complete both copies front and back, retain (for 3 yrs) the yellow copy along with the generator copy of the manifest, attach the white copy to the UHWM for shipment to HES.

Generator/Customer Name _____

Address _____

EPA I.D. _____ EPA Hazardous Waste No. _____

Heritage Wastestream No. _____ Manifest No. _____

In accordance with the Hazardous and Solid Waste Amendments of 1984 (HSWA) of the Resource Conservation and Recovery Act which restricts the land disposal of hazardous wastes, we are notifying HERITAGE by marking the appropriate box(es) that indicate the Hazardous Waste number, Subcategory, Treatability Group, Treatment Standard Reference and Five Letter Treatment Code to comply with the Land Disposal Restrictions contained at 40 CFR Part 268.

Hazardous Waste Number	Subcategory	Treatability Group		Treatment Standard Reference	Five Letter Treatment Code
		Wastewater	Non-Wastewater		
<input type="checkbox"/> D002	Acid subcategory	X	X	268.42	DEACT
<input type="checkbox"/> D002	Alkaline subcategory	X	X	268.42	DEACT
<input type="checkbox"/> D002	Other (corrosives)	X	X	268.42	DEACT
<input type="checkbox"/> D003	Reactive cyanides (T&A)	X	X	268.41, 268.43	NA
<input type="checkbox"/> D003	Reactive sulfides	X	X	268.42	DEACT
<input type="checkbox"/> D003	Water Reactive	X	NA	268.42	DEACT
<input type="checkbox"/> D004	NA	X	X ¹	268.41	NA
<input type="checkbox"/> D005	NA	X	X ²	268.41	NA
<input type="checkbox"/> D006	NA	X	X ²	268.41	NA
<input type="checkbox"/> D007	NA	X	X ⁴	261.41	NA
<input type="checkbox"/> D008	NA	X	X	261.41 ³	NA
<input type="checkbox"/> D009	(< 260 mg/kg Total Hg)	X	X ¹	268.41, 268.43	NA
<input type="checkbox"/> D010	NA	X	X	268.41, 268.43	NA
<input type="checkbox"/> D011	NA	X	X	268.41, 268.43	NA

¹ EPA granted 2 yr. extension in effective date on N-WW form and inorganic solids debris (5/8/92).

² EPA granted 2 yr. extension effective date on inorganic solids debris (5/8/92)

³ Based on EP Toxicity values, TCLP can be used to demonstrate compliance.

⁴ EPA granted 2 yr. extension effective date on inorganic solids debris, and used refractory brick (5/8/92)

This form continues to the reverse side.





This shipment includes additional wastes identified below:

Hazardous Waste No.	Subcategory	Treatability Group	CFR Reference Treatment Standards	Five Letter Treatment Code as Applicable

I CERTIFY that the information submitted herein and all accompanying information is true and accurate.

☐ Analysis is attached.

Authorized signature: _____

Print or Type Name: _____

Title: _____

Date: _____

Heritage is providing this sample Land Disposal Restriction Notification form as a courtesy to our customers. Heritage does not warrant the acceptability of this form to EPA or for any specific purpose, waste or treatment method and does not warrant that its use will constitute compliance with applicable law. Heritage will not assume any responsibility or liability, and expressly disclaims responsibility or liability, for any penalties, damages or other costs which may arise out of or be related to use of this document. Each person who makes a Land Disposal Restriction notification is responsible for ensuring that it complies with and fulfills applicable law. If you choose to use this sample form, you should review it carefully and amend it to your satisfaction before submitting it to regulatory authorities.



T/C Pat Sorenson 8:10 3/25/92

Pat unsure why old notif forms not proper per inspector comments on p 8 of 12/11/90 DOE inspection.

Waste code, man.#, treatment standards all on forms

I ~~had~~ asked her to fax a form to me.

→ call B Kizer 317/232.4537

T/C to Pat Sorenson 9:50 3/25/92 1m

1:00 Pat called 3/25

I told her that the old notification forms had the wrong treatment standards. The new ones reference the CFC section where treatment standards are found - so these are ok.

Still need corrective action re S. Kleen notifications.

R. Gray

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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Blank graph paper with a grid.

[illegible][illegible]

12. 2017

[illegible][illegible][illegible][illegible]

LAND DISPOSAL RESTRICTION NOTIFICATION
Marathon Petroleum Co., Indiana Refining Division

EPA ID Number: IND006417430

Manifest Number: INA 0436875
Document Number: 02492

Waste Identification: Mixture of K048, K049, K050, K051 Nonwastewaters

Date Subject to Prohibition: Restricted waste allowed a National
Capacity Variance until November 8, 1990.

Revised EDAT Treatment Standards - Constituent Concentrations in
Waste Extract (TCLP)

Chromium (Total)	1.7	mg/l
Nickel	0.20	mg/l

Revised EDAT Treatment Standards - Constituent Concentration in Waste

Anthracene	28.0	mg/kg	(K049, K051)
Benzene	14.0	mg/kg	(K048, K049, K051)
Benzo(a)anthracene	20.0	mg/kg	(K051)
Benzo(a)pyrene	12.0	mg/kg	(K048, K049, K050, K051)
Bis(2-ethylhexyl)phthal	7.3	mg/kg	(K048, K049, K051)
Chrysene	15.0	mg/kg	(K048, K049, K051)
Di-n-butyl phthalate	3.6	mg/kg	(K048, K051)
Ethylbenzene	15 14.0	mg/kg	(K048, K049, K051)
Napthalene	14 42.0	mg/kg	(K048, K049, K051)
Phenanthrene	14 34.0	mg/kg	(K048, K049, K051)
Phenol	34 3.8	mg/kg	(K048, K049, K050, K051)
Pyrene	34 36.0	mg/kg	(K048, K049, K051)
Toluene	34 14.0	mg/kg	(K048, K049, K051)
Xylenes (Total)	14 22.0	mg/kg	(K048, K049, K051)
Cyanides (Total)	22 1.8	mg/kg	(K048, K049, K050, K051)

I hereby certify that all information submitted in this and all
associated documents is complete and accurate to the best of my
knowledge and information.

<u>Pat Sorensen</u>	Environmental Engineer	11-12-90
Signature	Title	Date

Systech Environmental Corporation

243 North Valley Road

Xenia, Ohio 43103

NOTIFICATION OF HAZARDOUS WASTE RESTRICTED
FROM LAND DISPOSAL

This form must be completed by the generator and should accompany each shipment of waste subject to land ban restrictions (40 CFR 268.10). A separate form for each line (IIa, IIb, IIc, IId) on your manifest. Check the appropriate category(ies) on the table(s) on lines I, II, and III below and be sure to sign at the bottom.

Generator Name: Marathon Petroleum Co., Ind. Ref. Div. EPA I.D. #: 1 N P 0 0 6 4 1 7 4 3 0

Manifest Doc No.: 02447 Systech Waste Profile No.: 1 1 1 1 1 1 1 1 1 1 AA03534-448

Date of Shipment: 12-15-90 EPA Waste Code K048, K049, K050, K051, D018

MANIFEST LINE #: (X)IIa ()IIb ()IIc ()IId

INA 0436573

The wastes identified on the above-mentioned manifest number and bearing the EPA Hazardous Waste Number(s) identified above are subject to the land disposal restrictions of 40 CFR Part 268. The wastes do not meet the treatment standards specified in 40 CFR 268.10 or the prohibitions specified in 40 CFR 268.32 or RCRA Section 3004 (d). In compliance with the notification requirements of 40 CFR 268, we are indicating below the applicable subcategory, Treatability Group and Treatment Standard Reference or Five Section Code for how the waste must be treated.

F001 to F003 Solvent Wastes

Hazardous Waste Description	Constituents of Concern	Non-Wastewater Total Composition, mg/kg	TCDF, mg/L	TCDF, mg/L	TCDF, mg/L	TCDF, mg/L
		CODE1	CODE2	CODE1	CODE2	CODE2
F001 - Spent halogenated solvents used in degreasing	Carbon tetrachloride Methylene chloride Tetrachloroethylene 1,1,1-trichloroethane Trichloroethylene 1,1,2-Trichloro-1,2,2-trifluoroethane Trichlorofluoromethane		0.05 0.05 0.05 0.05 0.05 0.05 0.05			0.05 0.20 0.070 1.03 0.062 1.03 0.05
F002 - Spent halogenated solvents	Chlorobenzene 1,2-Dichlorobenzene Methylene chloride Methylene chloride (from the pharmaceutical industry) Tetrachloroethylene 1,1,1-Trichloroethane 1,1,2-Trichloroethane Trichloroethylene 1,1,2-Trichloro-1,2,2-trifluoroethane Trichlorofluoromethane	7.5	0.05 0.125 0.05 0.05 0.05 0.05 0.05 0.05 0.05 0.05	0.44 0.030		0.13 0.05 0.20 0.070 1.03 0.062 1.03 0.05
F003 - Spent nonhalogenated solvents	Acetone n-Butyl alcohol Cyclohexanone Ethyl acetate Ethyl benzene Ethyl ether Methanol Methyl isobutyl ketone Xylene		0.50 3.0 0.75 0.75 0.050 0.75 0.75 0.05 0.05 0.15			0.05 3.0 0.125 0.05 0.05 0.05 0.25 0.05 0.05
F004 - Spent nonhalogenated solvents	Cresols (and cresylic acid) Nitrobenzene		0.750 0.125			2.82 0.06
F005 - Spent nonhalogenated solvents	Benzene Carbon disulfide 2-Ethoxyethanol Isobutanol Methyl ethyl ketone 2-Nitropropane Pyridine Toluene	2.7 Incineration Incineration	4.81 3.0 0.75 0.53 0.53	0.070 Biological degradation or incineration (Not oxidation or chemical oxidation) followed by carbon adsorption or incineration		1.03 5.0 0.05 1.12 1.12

II. California List Wastes

- () PCBs >50 ppm (incineration).
- () Liquid hazardous wastes that contain halogenated organic compounds (HOC's) in total concentration > or = to 1,000 mg/l liquids or 1,000 mg/kg (nonliquids). (INCINERATION) (HOC's found in 264.32 Appendix III, see attached).
- () Nickel (liquid waste) >134 ppm.
- () Thallium (liquid waste) >130 ppm.

(W-Treatment Standards for the additional Hazardous Characteristics requiring treatment are indicated below)

Check any applicable subcategories.

Abbreviations of technology codes from 40 CFR 244.42:

Table 2: 1. List all U.S. EPA hazardous waste codes requiring treatment beyond the standards described in Sections 1, 17, and Table A. For each waste code: 2. Identify the appropriate line # from the manifest Section II; 3. List the corresponding subcategory, check none if there is no subcategory; 4. Complete the treatment standards section by placing a checkmark in the appropriate performance-based column or write the appropriate code in the specific technology column (listed above); and 5. Place a checkmark in the column that applies to this waste.

¹C_W - Constituent concentrations in wastes. ²C_{WE} - Constituent concentrations in waste extract.

Authorized Signature Gt. Lassen Date 12-7-90

11/28/80

GENERAL INFORMATION			
NAME	W	DATE	1941
AGE	25	SEX	M
HEIGHT	5' 8"	WEIGHT	150
HAIR	BROWN	EYES	BROWN
SKIN	FAIR	TEETH	GOOD
HAZEL	NO	SCARS	NO
MARKS	NO	MOBILITY	GOOD
HEALTH	GOOD	DIET	REGULAR
SMOKE	NO	ALCOHOL	NO
RELIGION	CHRISTIAN	EDUCATION	HIGH SCHOOL
OCCUPATION	CLERK	RESIDENCE	NEW YORK
STATUS	SINGLE	INCOME	\$1000
INTERESTS	SPORTS	HOBBIES	GARDENING
PERSONALITY	OUTGOING	CHARACTER	CONFIDENT
ATTITUDE	POSITIVE	VALUES	HONESTY
GOALS	CAREER	ASPIRATIONS	MANAGEMENT
RELATIONS	GOOD	SOCIAL	ACTIVE
ADVICE	STAY POSITIVE	REMARKS	GOOD PERSON

DETAILED ANALYSIS			
STRENGTHS	CONFIDENT	WEAKNESSES	OVERCONFIDENCE
OPPORTUNITIES	CAREER	THREATS	LOSS OF INTEREST
CHALLENGES	NEW ROLES	RESOURCES	SKILLS
GOALS	MANAGEMENT	STRATEGIES	PLANNING
VALUES	HONESTY	PRINCIPLES	ETHICS
CHARACTER	CONFIDENT	PERSONALITY	OUTGOING
ATTITUDE	POSITIVE	EMOTIONS	STABLE
GOALS	CAREER	RELATIONS	GOOD
RELATIONS	GOOD	ADVICE	STAY POSITIVE
ADVICE	STAY POSITIVE	REMARKS	GOOD PERSON

SUMMARY AND CONCLUSIONS			
OVERALL	GOOD	REMARKS	GOOD PERSON
STRENGTHS	CONFIDENT	WEAKNESSES	OVERCONFIDENCE
OPPORTUNITIES	CAREER	THREATS	LOSS OF INTEREST
CHALLENGES	NEW ROLES	RESOURCES	SKILLS
GOALS	MANAGEMENT	STRATEGIES	PLANNING
VALUES	HONESTY	PRINCIPLES	ETHICS
CHARACTER	CONFIDENT	PERSONALITY	OUTGOING
ATTITUDE	POSITIVE	EMOTIONS	STABLE
GOALS	CAREER	RELATIONS	GOOD
RELATIONS	GOOD	ADVICE	STAY POSITIVE
ADVICE	STAY POSITIVE	REMARKS	GOOD PERSON

MARATHON FAX COVER LETTER

DATE _____

DEPARTMENT _____

PLEASE DELIVER THE FOLLOWING PAGES TO:

Name Rebecca GroulxCompany/Firm EPA IN/MN/CH Enf. Prog. Sect.City & State ChicagoFax Number Area Code (312) 353-4788

Confirmation Number _____

FROM:

NAME Pat SorensenMarathon Oil Co.
5000 W. 86th Street
Indianapolis, IN
Fax #317-879-9604Marathon Oil Co.
8500 Georgetown Rd.
Indianapolis, IN
Fax #317-875-8739WE ARE TRANSMITTING 4 PAGES
(INCLUDING THIS COVER PAGE)IF TRANSMISSION IS NOT COMPLETE,
PLEASE CALL: 317-872 3200☐ PLEASE CHECK IF MATERIAL IS TO BE RETURNED TO YOU
AFTER TRANSMISSION IS COMPLETE

Comments:

- ① Copy of type of form used before 12/1/90
- ② Copy of type of form used after 12/1/90
(2 pages)

Compliance

FEB 19 1992

HRE-8J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Pat Sorenson
Environmental Manager
Marathon Petroleum Company
P.O. Box 68007
5000 West 86th Street
Indianapolis, Indiana 46268

Re: Notice of Violation (NOV)
Marathon Petroleum
Company
IND 000-641-730

006 417 430

Dear Ms. Sorenson:

On December 11 and December 12, 1990, the Indiana Department of Environmental Management (IDEM), representing the United States Environmental Protection Agency (U.S. EPA), conducted a Resource Conservation and Recovery Act (RCRA) inspection of the above referenced facility. The purpose of the inspection was to determine the compliance status of this facility with respect to the applicable hazardous waste management requirements of Title 329 of the Indiana Administrative Code, and also the land disposal restriction regulations as set forth in 40 CFR Part 268 and in revisions to 40 CFR Parts 260-265, 268, 270, and 271.

As a result of the inspection, we have determined that the requirements of the land disposal restriction regulations are being violated.

The facility was shipping restricted waste without attendant or complete notifications, as required under 40 CFR Part 268.7. Under Part 268.7(a)(1), generators who manage restricted wastes which exceed treatment standards (reference 40 CFR Part 268, Subpart D - Treatment Standards) are required to provide a notification for each shipment of waste. The notification must contain the following information: EPA hazardous waste number; applicable treatment standard; manifest number; and waste analysis data, where available.

Also, under 40 CFR Part 268.7(a)(6), the facility must retain on-site a copy of all notifications produced pursuant to Part 268.7, for at least 5 years from the date that the waste was last sent off-site. The facility is responsible for obtaining from the receiver of the waste a copy of all notifications previously sent pursuant to Part 268.7, for all applicable restricted waste shipments. These notifications and all subsequent ones must

be kept on file at the generating facility. Please include in your response to this NOV, an example of the notification you will supply with each waste shipment and will keep on file at your facility.

A copy of the inspection report is enclosed for your records. Please submit to this office, within 30 days of receipt of this NOV, documentation as specified above demonstrating that the violation(s) have been corrected and indicating what measures have been initiated to assure future compliance. Failure to correct the violation(s) may subject the facility to further enforcement action.

If you have any questions regarding this correspondence, please contact Rebecca Groulx of my staff at (312) 886 4437.

Sincerely yours,

Uylaine E. McMahan, Chief
IN/MN/OH Enforcement Program Section

Enclosure

cc: Dennis Zawodni, IDEM

bcc: Uylaine McMahan, REB

| READING FILE COPY - BRANCH |



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

105 South Meridian Street
P.O. Box 6015

Indianapolis 46206-6015
Telephone 317/232-8603

VIA CERTIFIED MAIL P 124 438 184

September 19, 1991

Ms. Patricia B. Sorensen, Environmental Engineer
Marathon Petroleum Company
5000 West 86th Street
Indianapolis, Indiana 46268-0007

Re: Letter of Inadequacy (VL-10651)
Hazardous Waste Management
Marathon Petroleum Company
EPA I.D. No. IND 006417430
Indianapolis, Marion County

Dear Ms. Sorensen:

This will acknowledge the receipt of information from Marathon Petroleum Company on May 20, 1991. This information was submitted in response to our Violation Letter dated April 5, 1991, regarding your firm's compliance with Indiana Code 13-7, the Indiana Environmental Management Act, and Indiana Administrative Code, 329 IAC 3, "Hazardous Waste Management Permit Program and Related Hazardous Waste Management Requirements."

Staff has reviewed the information submitted and determined that your response is not sufficient to determine if compliance with hazardous waste management requirements under 329 IAC 3 have been met. Please submit additional information as listed below:

1. Document and submit your current practice for the accumulation of K-listed wastes.
2. Document and submit what tank or container is currently being utilized since the removal of the 18,000-gallon tank which held K-listed wastes.
3. Document and submit the depth of the contaminated soil removal, and the method of disposal.

Your response must be revised or supplemented as necessary to address these deficiencies and be submitted to this office within fifteen (15) days.

Ms. Patricia B. Sorensen

-2-

If you fail to respond fully and adequately within the time specified and document your facility's return to compliance, a formal Notice of Violation will be issued to compel compliance.

If you have any questions regarding this matter, please contact Ms. Melinda S. Wood of this office at AC 317/232-7203.

Very truly yours,



Dennis M. Zawodni, Chief
Enforcement Section
Hazardous Waste Management Branch
Solid and Hazardous Waste Management

MSW/rmw

cc: Marion County Health Department
Ms. Uylaine McMahan, U.S. EPA, Region V ✓

Budich



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

105 South Meridian Street

P.O. Box 6015

Indianapolis 46206-6015

Telephone 317/232-8603

RECEIVED

APR 5 1991

April 5, 1991

OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V

VIA CERTIFIED MAIL P 404 637 910

Ms. Pat Sorensen
Marathon Petroleum Company
5000 West 86th Street
Indianapolis, Indiana 46268-0007

Re: Violation Letter (VL-10651)
Hazardous Waste Management
Scheduled Compliance Evaluation Inspection
Marathon Petroleum Company
EPA I.D. No. **IND 006417430**
Indianapolis, Marion County

Dear Ms. Sorensen:

Representatives of the Department of Environmental Management (Department) are conducting inspections of facilities in Indiana that are engaged in the generation, transportation, treatment, storage, or disposal of hazardous waste. Facilities are being inspected to determine compliance with Indiana Code 13-7 (IC 13-7), "Environmental Management Act," and Indiana Administrative Code, 329 IAC 3, "Hazardous Waste Management Permit Program and Related Hazardous Waste Management Requirements." These inspections and record reviews are also being conducted pursuant to the requirements of the Resource Conservation and Recovery Act (RCRA), Public Law 94-580, as amended, for authorized state hazardous waste management programs.

This is to inform you that on December 11 and 12, 1990, an inspection of Marathon Petroleum Company (MPC), located at 5000 West 86th Street, Indianapolis, Indiana, was conducted by Mr. D. Bruce Kizer of the Office of Solid and Hazardous Waste Management (OSHW), of the Department. Mr. Ed Spoelker and yourself represented your firm at this inspection. A copy of the inspection report is enclosed.

The following violations of 329 IAC 3 pertaining to the operation of your facility were noted:

1. 329 IAC 3-9-5 Hazardous waste containers were not inspected on
 referencing a weekly basis as required by 329 IAC 3-23-5.
 329 IAC 3-16-6 Inspection of paint waste containers at
 accumulation areas are not conducted.

An Equal Opportunity Employer

2. 329 IAC 3-9-5
referencing
329 IAC 3-24-4
The required inspections of tanks used to store hazardous waste were not conducted. Daily inspections for the K-listed wastes in the 18,000-gallon accumulation tank are not being conducted.
3. 329 IAC 3-9-5
referencing
329 IAC 3-16-7
Personnel had not received the required training. Training not provided for all persons listed as emergency coordinator, and contractor employees for paint waste management (lark painting).
4. 329 IAC 3-9-5
referencing
329 IAC 3-16-7
Personnel training records did not include job titles, job descriptions, and record of training for personnel listed in number 3. above, and contractor employees of North American Construction Company.
5. 329 IAC 3-9-5
referencing
329 IAC 3-18-3
The contingency plan did not include a list of all emergency equipment, location of the equipment, physical description of each item on the list, and a brief outline of equipment capabilities. Contingency plan lacked the location of emergency personnel safety equipment.
6. 329 IAC 3-9-5
referencing
329 IAC 3-23-4
Hazardous waste containers were not properly closed during accumulation. One (1) 55-gallon drum of paint waste was not stored closed to prevent leaks.
7. 329 IAC 3-9-5
The start of accumulation period was not clearly marked on each container of hazardous waste. Two (2) 55-gallon drums of paint waste lacked the start of accumulation date.
8. 329 IAC 3-9-5
Hazardous waste was stored by generator for more than ninety (90) days. This refers to one (1) 55-gallon drum of paint wastes.
9. 329 IAC 3-9-5
Hazardous waste containers were not properly marked with the words "Hazardous Waste." This refers to the drum of paint wastes cited in number 8. above.
10. 329 IAC 3-23-2
Hazardous waste containers were not in good condition. Two (2) containers of K052 were located in standing water on the cement pad. The containers were visibly rusted around the bottom.

Ms. Pat Sorensen

-3-

11. 329 IAC 3-24-5 The 18,000-gallon accumulation tank lacked overfill prevention controls.
12. 329 IAC 3-24-3 Lack of a new tank integrity assessment for the 18,000-gallon accumulation tank. Since this tank was first placed on October 15, 1990, it is a new tank. MPC has failed to meet the requirements of 3-24-3 for written assessment, installation, inspection and tightness test.
13. 329 IAC 3-24-4 Lack of secondary containment for the 18,000-gallon accumulation tank.
14. 329 IAC 3-7-2 The generator has not determined if waste is hazardous. No waste determination has been made for the oil spillage around the accelerator tank near the west API separator.

Marathon Petroleum Company, within thirty (30) calendar days of receipt of this letter, shall achieve compliance with the following requirements:

1. Inspect all hazardous waste containers at least once a week.
2. Inspect hazardous waste storage tanks as required by 329 IAC 3-24-4.
3. Provide a training program as described in 329 IAC 3-16-7 for all personnel involved in hazardous waste management.
4. Revise personnel training records to include job titles, job descriptions, and a description of personnel training. Submit a copy to this office.
5. Revise your contingency plan to include a list of all emergency equipment, location of the equipment, physical description of each item on the list, and a brief outline of equipment capabilities. Submit a copy of your revised plan to this office.
6. Accumulate all hazardous waste in containers that are properly closed.
7. Mark the start of the accumulation period on each container of hazardous waste.
8. Ensure transportation of the hazardous waste to a permitted facility by a person who has notified the United States Environmental Protection Agency as a hazardous waste transporter. All future hazardous waste generated by your company must not be stored for more than ninety (90) days.

Ms. Pat Sorensen

-4-

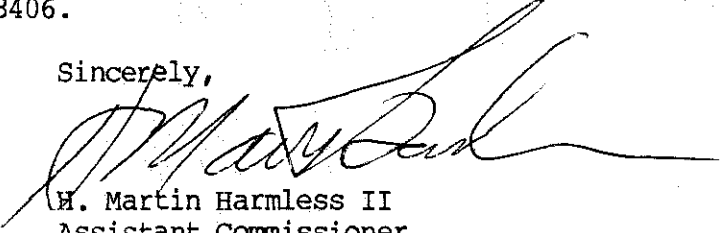
9. Mark each container used to accumulate hazardous waste with the words "Hazardous Waste."
10. Maintain hazardous waste containers in good condition.
11. Install overfill prevention controls for the 18,000-gallon accumulation tank.
12. Submit a new tank integrity assessment for the 18,000-gallon accumulation tank pursuant to 329 IAC 3-24-3.
13. Provide secondary containment for the 18,000-gallon accumulation tank pursuant to 329 IAC 3-24-4.
14. Clean up all visible contamination in the area of the accelerator tank, properly containerize all materials, and make a waste determination on said material for proper disposal.

Your company shall submit to this office, within thirty-five (35) calendar days of receipt of this letter, a written detailed explanation of the steps taken to achieve compliance with each requirement. The letter shall state the date compliance was achieved.

Failure to respond adequately to this Violation Letter and verify a return to compliance at this facility will result in escalated enforcement action.

Please direct your response to this letter and any questions to Mr. Michael E. Sickels of the Office of Solid and Hazardous Waste Management, of the Department, AC 317/232-3406.

Sincerely,


H. Martin Harmless II
Assistant Commissioner
Solid and Hazardous Waste Management

MES/rmw

Enclosure

cc: Marion County Health Department
Ms. Ann Budich, U.S. EPA, Region V ✓
Mr. D. Bruce Kizer

Jerry L. Atkins
Manager, Indiana Refining Division



**Marathon
Petroleum Company**

P.O. Box 68007
Indianapolis, Indiana 46268-0007
Telephone 317/872-3200

June 11, 1990

RECEIVED
JUN 18 1990

CERTIFIED P 097 682 501
RETURN RECEIPT REQUESTED

U.S. EPA, Region 5
Waste Management Division
Attn: Rick Hersemann
RCRA Enforcement Branch, 5HR-12
230 South Dearborn Street
Chicago, IL 60604

**OFFICE OF RCRA
WASTE MANAGEMENT DIVISION
EPA, REGION V**

Re: Consent Agreement and Final Order
Rock Island Refining Corporation, Inc. 006 417 430

Dear Mr. Hersemann:

On May 14, 1990, the Indiana Refining Division of Marathon Petroleum Company (Marathon) and the U.S. Environmental Protection Agency entered into a Consent Agreement and Final Order (CAFO) concerning the former Rock Island Refining Corporation. The CAFO was issued to resolve the Amended Complaint and Compliance Order issued by the U.S. EPA on the same date.

Paragraph F of the CAFO requires Marathon's notification and certification that compliance was achieved with various CAFO provisions. The following responses pursuant to Paragraph F of the CAFO are provided:

1. Paragraph A - Marathon ceased the placement of waste and/or other materials on the area designated as Goat Hill in Attachment A of the Final Order.
2. Paragraph B - An internal compliance audit was conducted by William Laque, Environmental Manager, and Patricia Sorensen, Environmental Engineer, to verify that the Indiana Refining Division achieved compliance with the standards applicable to generators of hazardous waste. Further, a compliance audit was performed by an outside consultant, Atec and Associates, to verify compliance with hazardous waste generator standards.
3. Paragraph C - A clean closure plan was presented to the Indianapolis Department of Environmental Management (IDEM) on June 6, 1990. The plan provides for the removal of contaminated material.

4. Paragraph D - Marathon provided a demonstration of financial assurance and liability insurance for the Goat Hill closure in a letter dated March 22, 1990 to Jeff Stevens of the IDEM. A copy of the March 22nd letter is enclosed.
5. Paragraph E - A check in the amount of fifty-four thousand dollars (\$54,000) was mailed to the U.S. EPA on May 30, 1990.

Further, pursuant to Paragraph F, I certify that the information provided with this notification is true, accurate and complete.

The notification provided with this letter was prepared with the assistance of legal counsel. Should you have any questions, please contact me or Ronald L. Andes (Marathon counsel) at (419) 422-2121 ext. 4125.

Sincerely,



J.L. Atkins
Division Manager

RLA:JLA:gt
Enclosure

c: Thomas Linson
Indiana Dept. of Environmental Mgmt.
105 S. Meridian St.
Indianapolis, IN 46240-6015



**Marathon
Oil Company**

Findlay, Ohio 45840
Telephone 419/422-2121

March 22, 1990

ATTN: Mr. Jeff Stevens
Office of Solid & Hazardous Waste Management
Indiana Department of Environmental Management
105 South Meridian Street
P.O. Box 6015
Indianapolis, IN 46206-6015

Dear Mr. Stevens:

I am the treasurer of Marathon Oil Company; 539 South Main Street; Findlay, Ohio 45840. This letter is in support of the use of the financial test to demonstrate financial responsibility for liability coverage and closure and/or post-closure care, as specified in 329 IAC 3-22 and 329 IAC 3-47.

The firm identified above is the owner or operator of the following facilities for which liability coverage for both sudden and nonsudden accidental occurrences is being demonstrated through the financial test specified in 329 IAC 3-22 and 329 IAC 3-47.

The firm identified above guarantees, through the corporate guarantee specified in 329 IAC 3-22 and 329 IAC 3-47, liability coverage for both sudden and nonsudden accidental occurrences at the following facilities owned or operated by the following subsidiaries of the firm: See Attachment A.

1. This firm is the owner or operator of the following facilities for which financial assurance for closure or post-closure care is demonstrated through the financial test specified in 329 IAC 3-22 and 329 IAC 3-47. The current closure and/or post-closure cost estimates covered by the test are shown for each facility: None.
2. This firm guarantees, through the corporate guarantee specified in 329 IAC 3-22 and 329 IAC 3-47, the closure or post-closure care of the following facilities owned or operated by subsidiaries of this firm. The current cost estimates for the closure or post-closure care so guaranteed are shown for each facility: See Attachment B.

March 22, 1990

3. This firm, as owner or operator or guarantor, is demonstrating financial assurance for the closure or post-closure care of the following facilities through the use of a test equivalent to or substantially equivalent to the financial test specified in 329 IAC 3-22 and 329 IAC 3-47. The current closure and/or post-closure cost estimates covered by such a test are shown for each facility: See Attachment B.
4. This firm is the owner or operator of the following hazardous waste management facilities for which financial assurance for closure or, if a disposal facility, post-closure care, is not demonstrated either to EPA or a State through the financial test or any other financial assurance mechanism specified in Subpart H or 40 CFR Parts 264 and 265 or equivalent or substantially equivalent State mechanisms. The current closure and/or post-closure cost estimates not covered by such financial assurance are shown for each facility: None.

This firm is not required to file a Form 10K with the Securities and Exchange Commission (SEC) for the latest fiscal year.

The fiscal year of this firm ends on December 31. The figures for the following items marked with an asterisk are derived from this firm's independently audited, year-end financial statements for the latest completed fiscal year, ended December 31, 1989.

ALTERNATIVE II

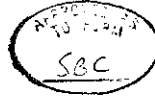
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|--|------------------------|----------|
| 1. Sum of current closure and post-closure cost estimates: | <u>\$13,447,055</u> | |
| 2. Amount of annual aggregate liability coverage to be demonstrated: | <u>\$ 8,000,000</u> | |
| 3. Sum of lines 1 and 2: | <u>\$21,447,055</u> | |
| 4. Current bond rating of most recent issuance and name of rating service: | <u>Baa-Moody's</u> | |
| 5. Date of issuance of bond: | <u>March 1, 1987</u> | |
| 6. Date of maturity of bond: | <u>March 1, 1994</u> | |
| * 7. Tangible net worth: | <u>\$3,487,000,000</u> | |
| * 8. Total assets in U.S.: | <u>\$7,082,000,000</u> | |
| | YES | NO |
| 9. Is line 7 at least \$10 million? | <u>X</u> | — |
| 10. Is line 7 at least 6 times line 3? | <u>X</u> | — |
| *11. Are at least 90% of assets located in the U.S.? If not, complete line 12. | — | <u>X</u> |
| 12. Is line 8 at least 6 times line 3? | <u>X</u> | — |

I hereby certify that the wording of this letter is identical to the wording specified in 329 IAC 3-22-32 as such regulations were constituted on the date shown immediately below.

Signed: L. H. Stone

L. H. Stone

Treasurer, Marathon Oil Company



Date: March 22, 1990

Attachment A

USEPA I.D. No. LAD 081999724

Name: Marathon Petroleum Company; Garyville, LA Refinery

Address: R. No. 61; Garyville, LA 70051

USEPA I.D. No. IDL 0005476882

Name: Marathon Petroleum Company; Robinson, IL Refinery

Address: Refinery Office Building; Robinson, IL 62454

USEPA I.D. No. GD-095-0981

Name: Marathon Petroleum Company; Garyville, LA Refinery

Address: R. No. 61; Garyville, LA 70051

USEPA I.D. No. TXD 008079501

Name: Marathon Petroleum Company; Texas City, TX Refinery

Address: 1320 Loop 197 South; Texas City, TX 77592-1191

USEPA I.D. No. IND006417430 *

Name: Rock Island Refining Corp.; Indianapolis, IN Refinery

Address: 5000 West 86 Street; Indianapolis, IN 46268

- * Marathon Oil Company is currently in the process of resolving a dispute with the United States Environmental Protection Agency concerning the status of the Rock Island Refinery. However, Marathon Oil Company is doing a protective filing with the state of Indiana in order to comply with the Resource Conservation and Recovery Act.

Attachment B

	<u>Closure Amount</u>	<u>Post-Closure Amount</u>	<u>Total</u>
2. USEPA I.D. No. IND006417430 Name: Rock Island Refining Corp.; Indianapolis, IN Refinery Address: 5000 West 86 Street; Indianapolis, IN 46268	\$3,000,000	\$0	\$3,000,000 *
3. USEPA I.D. No. LAD 081999724 Name: Marathon Petroleum Company; Garyville, LA Refinery Address: R. No. 61; Garyville, LA 70051	\$1,186,683	\$1,384,831	\$2,571,514
USEPA I.D. No. IDL 0005476882 Name: Marathon Petroleum Company; Robinson, IL Refinery Address: Refinery Office Building; Robinson, IL 62454	\$1,685,710	\$2,281,478	\$3,967,188
USEPA I.D. No. GD-095-0981 Name: Marathon Petroleum Company; Garyville, LA Refinery Address: R. No. 61; Garyville, LA 70051	\$3,826,983	\$0	\$3,826,983
USEPA I.D. No. TXD 008079501 Name: Marathon Petroleum Company; Texas City, TX Refinery Address: 1320 Loop 197 South; Texas City, TX 77592-1191	\$ 81,370	\$0	\$ 81,370

* Marathon Oil Company is currently in the process of resolving a dispute with the United States Environmental Protection Agency concerning the status of the Rock Island Refinery. However, Marathon Oil Company is doing a protective filing with the state of Indiana in order to comply with the Resource Conservation and Recovery Act.

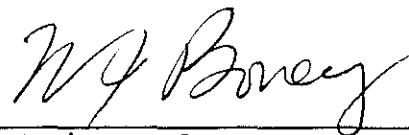
C E R T I F I C A T I O N

I, W. J. Boney, Assistant Secretary of Marathon Oil Company, an Ohio corporation, hereby certify that the following is a true and correct copy of a resolution unanimously adopted by the Executive Committee of Marathon Oil Company at a meeting held in San Francisco, California on November 14, 1989 at which meeting all the members of the Committee were present:

"RESOLVED: That the Controller and the Treasurer of the Company are each hereby authorized in the ordinary course of business of the Company to enter into transactions pertaining to the business of the Company or to the acquisition, development, care, operation, management, sale, lease or other disposition of property of the Company consistent with the fiscal controls and authorities established by the Senior Vice President of Finance and Administration and upon such terms and conditions as the Controller or Treasurer may deem advisable, and to execute and deliver any and all written instruments in connection with any such transaction, including but not limited to contracts, deeds and other instruments of conveyance, and any bids, applications, notices, permits, reports or other documents relating thereto."

This is to further certify that the foregoing resolution is still in full force and effect on this 21st day of March, 1990 and that L. H. Stone was elected Treasurer of this Corporation on April 1, 1986 and W. J. Boney was elected Assistant Secretary of this Corporation on January 24, 1986 and both are still serving in such office on this date.

IN WITNESS WHEREOF, I have hereunto affixed my signature and the seal of the Company, this 21st day of March, 1990.



Assistant Secretary
Marathon Oil Company

CORPORATE GUARANTEE FOR LIABILITY COVERAGE

Guarantee made this January 16, 1990 by Marathon Oil Company, a business corporation organized under the laws of the State of Ohio, herein referred to as guarantor, on behalf of our subsidiary Marathon Petroleum Company of 539 South Main Street; Findlay, Ohio 45840, to any and all third parties who have sustained or may sustain bodily injury or property damage caused by sudden and/or nonsudden accidental occurrences arising from operation of the facility(ies) covered by this guarantee.

Recitals

1. Guarantor meets or exceeds the financial test criteria and agrees to comply with the reporting requirements for guarantors as specified in 329 IAC 3-47-8(g) and 329 IAC 3-22-24(g).
2. Marathon Petroleum Company owns or operates the following hazardous waste management facility(ies) covered by this guarantee: See attached. This corporate guarantee satisfies third-party liability requirements for hazardous waste under IAC 13-7 for both sudden and nonsudden accidental occurrences in above-named owner or operator facilities for eight million dollars of coverage.
3. For value received from Marathon Petroleum Company, guarantor guarantees to any and all third parties who have sustained or may sustain bodily injury or property damage caused by sudden and/or nonsudden accidental occurrences arising from operations of the facility(ies) covered by this guarantee that in the event that Marathon Petroleum Company fails to satisfy a judgment or award based on a determination of liability for bodily injury or property damage caused by sudden or nonsudden accidental occurrences, arising from the operation of the above-named facilities, or fails to pay an amount agreed to in settlement of a claim arising from or alleged to arise from such injury or damage, the guarantor will satisfy such judgment(s), award(s), or settlement agreement(s) up to the limits of coverage identified above.
4. Guarantor agrees that if, at the end of any fiscal year before termination of this guarantee, the guarantor fails to meet the financial test criteria, guarantor shall send within ninety (90) days, by certified mail, notice to the commissioner and to Marathon Petroleum Company that he intends to provide alternate liability coverage as specified in 329 IAC 3-47-8 and 329 IAC 3-22-24, as applicable, in the name of Marathon Petroleum Company. Within one hundred twenty (120) days after the end of such fiscal year, the guarantor shall establish such liability coverage unless Marathon Petroleum Company has done so.
5. The guarantor agrees to notify the Commissioner by certified mail of a voluntary or involuntary proceeding under Title II (Bankruptcy), U.S. Code, naming guarantee as debtor, within ten (10) days after commencement of the proceeding.

6. Guarantor agrees that within thirty (30) days after being notified by the commissioner of a determination that guarantor no longer meets the financial test criteria or that he is disallowed from continuing as a guarantor, he shall establish alternate financial assurance as specified in 329 IAC 3-47-8 or 329 IAC 3-22-24 in the name of Marathon Petroleum Company, unless Marathon Petroleum Company has done so.
7. Guarantor reserves the right to modify this agreement to take into account amendment of modification of the liability requirements set by 329 IAC 3-47-8 or 329 IAC 3-22-24, provided such modification shall become effective only if the commissioner does not disapprove the modification within thirty (30) days of receipt of notification of the modification.
8. Guarantor agrees to remain bound under this guarantee for so long as Marathon Petroleum Company must comply with the applicable requirements of 329 IAC 3-47-8 or 329 IAC 3-22-24 for the above-listed facility(ies), except as provided in paragraph 9 of this agreement.
9. Guarantor may terminate this guarantee by sending notice by certified mail to the commissioner and to Marathon Petroleum Company, provided that this guarantee may not be terminated unless and until Marathon Petroleum Company obtains, and the commissioner approve(s), alternate liability coverage complying with 329 IAC 3-47-8 and/or 329 IAC 3-22-24.
10. Guarantor hereby expressly waives notice of acceptance of this guarantee by any party.

I hereby certify that the wording of this guarantee is identical to the wording specified in 329 IAC 3-22-34.

Effective date: March 22, 1990

Marathon Oil Company

Signed: L. H. Stone
L. H. Stone
Treasurer, Marathon Oil Company



Thus sworn and signed before me on this the 22 day of March, 19 90.

Signature of witness or notary: Gerry L. Williams

GERRY L. WILLIAMS
Notary Public, State of Ohio
My Commission Expires Oct. 30, 1994

	<u>Closure Amount</u>	<u>Post-Closure Amount</u>	<u>total</u>
2. USEPA I.D. No. IND006417430	\$3,000,000	\$0	\$3,000,000 *
Name: Rock Island Refining Corp.; Indianapolis, IN Refinery			
Address: 5000 West 86 Street; Indianapolis, IN 46268			

* Marathon Oil Company is currently in the process of resolving a dispute with the United States Environmental Protection Agency concerning the status of the Rock Island Refining. However, Marathon Oil Company is doing a protective filing with the state of Indiana in order to comply with the Resource Conservation and Recovery Act.

CORPORATE GUARANTEE FOR CLOSURE OR POST-CLOSURE CARE

Guarantee made this January 16, 1990 by Marathon Oil Company, a business corporation organized under the laws of the State of Ohio, herein referred to as guarantor, to the Department of Environmental Management of the State of Indiana (DEM), obligee, on behalf of our subsidiary Marathon Petroleum Company of 539 South Main Street; Findlay, Ohio 45840.

Recitals

1. Guarantor meets or exceeds the financial test criteria and agrees to comply with the reporting requirements for guarantors as specified in 329 IAC 3-22-9 and 329 IAC 3-22-19 or 329 IAC 3-47-4 and 320 IAC 4.1-47-6.
2. Marathon Petroleum Company owns or operates the following hazardous waste management facility(ies) covered by this guarantee: See attached.
3. "Closure plans" and "post-closure plans" as used below refer to the plans maintained as required by 329 IAC 3-21 and 329 IAC 3-46 for the closure and post-closure care of facilities as identified above.
4. For value received from Marathon Petroleum Company, guarantor guarantees to DEM that in the event that Marathon Petroleum Company fails to perform closure and post-closure care of the above facility(ies) in accordance with the closure or post-closure plans and other permit or interim status requirements whenever required to do so, the guarantor shall do so or establish a trust fund as specified in 329 IAC 3-22 and 329 IAC 3-47, as applicable, in the name of Marathon Petroleum Company in the amount of the current closure or post-closure cost estimates as specified in 329 IAC 3-22 and 329 IAC 3-47.
5. Guarantor agrees that if, at the end of any fiscal year before termination of this guarantee, the guarantor fails to meet the financial test criteria, guarantor shall send within ninety (90) days, by certified mail, notice to the DEM commissioner and to Marathon Petroleum Company that he intends to provide alternative financial assurance as specified in 329 IAC 3-22 and 329 IAC 3-47, as applicable, in the name of Marathon Petroleum Company. Within one hundred twenty (120) days after the end of such fiscal year, the guarantor shall establish such financial assurance unless Marathon Petroleum Company has done so.
6. The guarantor agrees to notify the DEM commissioner by certified mail, of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming guarantor as debtor, within ten (10) days after commencement of the proceeding.
7. Guarantor agrees that within thirty (30) days after being notified by the DEM commissioner of a determination that guarantor no longer meets the financial test criteria or that he is disallowed from continuing as a guarantor of closure or post-closure care, he shall establish alternate financial assurance as specified in 329 IAC 3-22 and 329 IAC 3-47, as applicable, in the name of Marathon Petroleum Company unless Marathon Petroleum Company has done so.

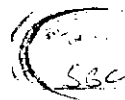
8. Guarantor agrees to remain bound under this guarantee notwithstanding any or all of the following: amendment or modification of the closure or post-closure plan, amendment or modification of the permit, the extension or reduction of the time of performance of closure or post-closure, or any other modification or alteration of an obligation of the owner or operator pursuant to 329 IAC 3-22-15 through 329 IAC 3-32 or 329 IAC 3-40 through 329 IAC 3-54.
9. Guarantor agrees to remain bound under this guarantee for so long as Marathon Petroleum Company must comply with the applicable financial assurance requirements of 329 IAC 3-22 and 329 IAC 3-47 for the above-listed facilities, except that guarantor may cancel this guarantee by sending notice by certified mail to the DEM commissioner and to Marathon Petroleum Company, such cancellation to become effective no earlier than one hundred twenty (120) days after receipt of such notice by both the DEM commissioner and Marathon Petroleum Company, as evidenced by the return receipts.
10. Guarantor agrees that if Marathon Petroleum Company fails to provide alternate financial assurance as specified in 329 IAC 3-22 and 329 IAC 3-47, as applicable, and obtain written approval of such assurance from the DEM commissioner within ninety (90) days after a notice of cancellation by the guarantor is received by the DEM commissioner from guarantor, guarantor shall provide such alternate financial assurance in the name of Marathon Petroleum Company.
11. Guarantor expressly waives notice of acceptance of this guarantee by the DEM commissioner or by Marathon Petroleum Company. Guarantor also expressly waives notice of amendments or modifications of the closure and/or post-closure plan and of amendments or modifications of the facility permit(s).

I hereby certify that the wording of this guarantee is identical to the wording specified in 329 IAC 3-22-33 as such rule was constituted on the date first above written.

Effective date: March 22, 1990

Marathon Oil Company

Signed: L. H. Stone
L. H. Stone
Treasurer, Marathon Oil Company



Thus sworn and signed before me on this the 22 day of March, 1990.

Gerry L. Williams
NOTARY PUBLIC

GERRY L. WILLIAMS
Notary Public, State of Ohio
My Commission Expires Oct. 30, 1994

	<u>Closure Amount</u>	<u>Post-Closure Amount</u>	<u>Total</u>
2. USEPA I.D. No. IND006417430	\$3,000,000	\$0	\$3,000,000 *
Name: Rock Island Refining Corp.; Indianapolis, IN Refinery			
Address: 5000 West 86 Street; Indianapolis, IN 46268			

* Marathon Oil Company is currently in the process of resolving a dispute with the United States Environmental Protection Agency concerning the status of the Rock Island Refining. However, Marathon Oil Company is doing a protective filing with the state of Indiana in order to comply with the Resource Conservation and Recovery Act.



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

105 South Meridian Street
P.O. Box 6015
Indianapolis 46206-6015
Telephone 317/232-8603

June 1, 1990

Mr. William E. Laque
Environmental Manager
Marathon Petroleum Company
Refinery - Warehouse A
5000 West 86th Street
Indianapolis, IN 46268

Dear Mr. Laque:

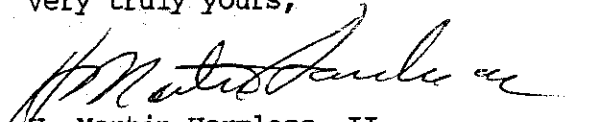
Thank you for your letter of April 19, 1990, and an opportunity to comment on your proposed waste management practice for the materials produced by your wastewater treatment system.

Staff concur with your conclusion that the pre-filtered slop oil and the mixture of filter cake and oil (waste mix) qualify as a hazardous waste fuel. This is based on the analysis which indicates that the pre-filtered slop oil and the individual components of the waste mix have a BTU value of greater than 5,000 BTU/lb.

You will be required to comply with 329 IAC 3-57-9 as a marketer of hazardous waste fuel and you should verify that the facility receiving the fuel has the proper permits to store and has notified the U.S. EPA and IDEM they are burners of hazardous waste fuel. As a generator of hazardous waste fuel, you are also subject to the standards for generators of hazardous waste.

If you have any questions, please contact Mr. Tom Linson of this office at AC 317/232-4518.

Very truly yours,


H. Martin Harmless, II
Assistant Commissioner
Solid and Hazardous Waste Management

HMH:BP:ms



An Equal Opportunity Employer

File copy

RECEIVED
MAY 14 1990
REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL
PROTECTION AGENCY

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:

ROCK ISLAND REFINING CORPORATION
5000 WEST 86th STREET
INDIANAPOLIS, INDIANA 46268

IND 006 417 430

DOCKET NO. V-W-88-R-0381
FIRST AMENDED COMPLAINT, AND
COMPLIANCE ORDER

PREAMBLE

This Amended Complaint and Compliance Order is filed pursuant to Section 3008(a)(1) of the Resource Conservation and Recovery Act of 1976, as amended (RCRA), 42 U.S.C. §6928(a)(1), and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Acting Associate Director, Office of RCRA, Waste Management Division, Region V, United States Environmental Protection Agency (U.S. EPA). The Respondent is Rock Island Refining Corporation, owner and operator of the facility located at 5000 West 86th Street, Indianapolis, Indiana 46268. On December 1, 1989, Marathon Petroleum Company became the successor in interest to Rock Island Refining Corporation.

On September 26, 1988, U.S. EPA issued the original Complaint and Compliance Order in this matter against Respondent. Since that time, additional information obtained by U.S. EPA indicates that some of the violations alleged in the original Complaint did not, in fact, occur. For this reason, U.S. EPA has moved the Presiding Officer to amend the Complaint pursuant to 40 CFR 22.14(d).

This Amended Complaint and Compliance Order is based on information obtained by U.S. EPA, and file reviews and compliance inspections conducted by the

Indiana Department of Environmental Management (IDEM). Based on this information, violations of applicable State and Federal regulations were identified. Pursuant to 42 U.S.C. §6928(a)(1), and based on the information cited above, it has been determined that Respondent is in violation of Subtitle C of RCRA, Sections 3004 and 3005, 42 U.S.C. §6924 and §6925 respectively and the Indiana Administrative Code (IAC), Ind. Rev. Stat. 1985, as amended, and regulations adopted by the Indiana Environmental Management Board, found in 320 IAC 4.1.

JURISDICTION

Jurisdiction for this action is conferred upon U.S. EPA by Sections 2002(a)(1), 3006(b), and 3008 of RCRA, 42 U.S.C. §6912(a)(1), §6926(b), and §6928 respectively.

On August 18, 1982, the State of Indiana was granted Phase I Interim Authorization by the Administrator of U.S. EPA pursuant to Section 3006(b) of RCRA, 42 U.S.C. §6926(b), to administer a hazardous waste program in lieu of the Federal program. See 47 Fed. Reg. 35,970 (1982). On January 31, 1986, the State of Indiana was granted Final Authorization. See 51 Fed. Reg. 3953. As a result, facilities in Indiana qualifying for interim status are regulated under the Indiana provisions found at 320 IAC, 4.1 et seq., rather than the Federal regulations set forth at 40 CFR Part 265 and 270. Effective June 30, 1988, the Indiana provisions found at 320 IAC 4.1 were recodified and replaced by 329 IAC 3. See Indiana Register, Volume II, Number 10, July 1, 1988. Sections 3006(b) and 3008(a) of RCRA, 42 U.S.C. §6926 and §6928(a), respectively, provide that U.S. EPA may enforce State regulations in those States authorized to administer

a hazardous waste program. Notice to the State pursuant to RCRA Section 3008 (a) (2), 42 U.S.C. §6928(a) (2), has been provided by U.S. EPA.

FINDINGS OF VIOLATION

This determination of violation is based on the following:

1. Respondent, Rock Island Refining Corporation, is a person defined by Section 1004(15) of RCRA, 42 U.S.C. §6903(15), and 320 IAC 4.1-1-7, who owns and operates a facility at 5000 West 86th Street, Indianapolis, Indiana 46268, that generates, treats, and stores, hazardous waste. Respondent, Rock Island Refining Corporation, is an Indiana corporation whose registered agent is C.T. Corporation Systems, located at One North Capital Avenue, Indianapolis, Indiana 46268.
2. Section 3010(a) of RCRA, 42 U.S.C. §6930(a), requires any person who generates or transports hazardous waste, or owns or operates a facility for the treatment, storage, or disposal of hazardous waste, to notify U.S. EPA of such activity within ninety (90) days of the promulgation of regulations under Section 3001 of RCRA. Section 3010 of RCRA also provides that no hazardous waste subject to regulations may be transported, treated, stored or disposed of unless the required notification has been given.
3. U.S. EPA first published regulations concerning the generation, transportation, treatment, storage or disposal of hazardous waste on May 19, 1980. These regulations are codified at 40 CFR Parts 260 through 265. Notification to U.S. EPA of hazardous waste activity was required in most instances no later than August 18, 1980.

4. Section 3005(a) of RCRA requires U.S. EPA to publish regulations requiring each person owning or operating a hazardous waste treatment, storage, or disposal facility to obtain a RCRA permit. Such regulations were published on May 19, 1980, and are codified at 40 CFR Parts 270 and 271 (formerly Parts 122 and 123). The regulations require that persons who treat, store, or dispose of hazardous waste submit Part A of the permit application in most instances no later than November 19, 1980.

5. Section 3005(e) of RCRA provides that an owner or operator of a facility shall be treated as having been issued a permit pending final administrative disposition on the permit application provided that: (1) the facility was in existence on November 19, 1980; (2) the requirements of Section 3010(a) of RCRA concerning notification of hazardous waste activity have been complied with; and (3) an application for a permit has been made. This statutory authority to operate is known as interim status. U.S. EPA regulations implementing these provisions are found at 40 CFR Part 270.

6. Respondent submitted a timely notification of its hazardous waste activity on July 15, 1980, indicating that the facility generates, treats, stores, or disposes of hazardous waste. Respondent submitted Part A of its application for a RCRA permit on November 18, 1980, for its facility located at 5000 West 86th Street, Indianapolis, Indiana 46268. Respondent's Part A identified hazardous waste management processes as storage in tanks (process code S02), treatment in tanks (process code T01), treatment by incineration (process code T03), and treatment using vacuum filtration (process code T04). Among other

things, Respondent's Part A described the generation and management of the following hazardous wastes listed at 40 CFR 261.32:

- a. Slop oil emulsion solids from the petroleum refining industry (EPA hazardous waste number K049). K049 is treated in tanks.
- b. Heat exchanger bundle cleaning sludge from the petroleum refining industry (EPA hazardous waste number K050). K050 is treated in tanks.
- c. API separator sludge from the petroleum refining industry (EPA hazardous waste number K051). K051 is stored in tanks and treated by vacuum filtration.
- d. Tank bottoms (leaded) from the petroleum refining industry (EPA hazardous waste number K052). Respondent's Part A application did not identify a process code for K052.

7. Based on Finding 6, Respondent obtained interim status for the continued operation of its hazardous waste tank storage area, and treatment processes located at 5000 West 86th Street, Indianapolis, Indiana.

8. On January 29, 1985, and January 30, 1985, the Indiana State Board of Health (ISBH), now called the Indiana Department of Environmental Management (IDEM), conducted a compliance evaluation inspection of Respondent's facility located at 5000 West 86th Street, Indianapolis, Indiana. Specifically, the following violations were identified during the inspection:

- a. Failure to include in the personnel training records all facility personnel, job titles, job descriptions, and

documentation of training, as required by 320 IAC 4.1-16-7.

- b. Failure to maintain an operating record, as required by 320 IAC 4.1-19-4.

9. On April 29, 1986, IDEM conducted a compliance evaluation inspection of Respondent's facility. Specifically, the following violations were identified during the inspection:

- a. Failure to have interim status or a permit to receive Stoddard Solvent waste from off-site (Aratex and Means Services), as required by 320 IAC 4.1-38-2.
- b. Failure to include in the personnel training records a description of required introductory and continuing training for each job, as required by 320 IAC 4.1-16-7.
- c. Failure to include in the operating record the location and quantity of hazardous waste within the facility and the methods and dates of treatment, storage or disposal for hazardous waste, as required by 320 IAC 4.1-19-4.
- d. Failure to maintain and operate the Oliver storage tank containment area to minimize the possibility of any sudden or non-sudden release of hazardous waste or hazardous waste constituents to the air, soil, or surface water, as required by 320 IAC 4.1-17-2.
- e. Failure of manifests to contain five digit document numbers and generator identification numbers, as required by 320 IAC 4.1-8-1.

10. In a Letter of Warning dated February 10, 1987, IDEM notified Respondent of the following violations:

- a. Failure to adjust the closure cost estimate for inflation, as required by 320 IAC 4.1-22-3.
- b. Failure to adjust the post-closure cost estimate for inflation, as required by 320 IAC 4.1-22-13.
- c. Failure to maintain liability insurance coverage for sudden accidental occurrences, as required by 320 IAC 4.1-22-24.

11. On March 19, 1987, IDEM conducted a compliance evaluation inspection of Respondent's facility. Specifically, the following violations were identified during the inspection:

- a. Failure to include in the inspection schedule freeboard inspections for tanks without dikes, as required by 320 IAC 4.1-24-4.
- b. Failure to include in the personnel training records all facility personnel, job titles, job descriptions, and documentation of training, as required by 320 IAC 4.1-16-7.
- c. Failure to address in the contingency plan evacuation of employees, as required by 320 IAC 4.1-18-3.
- d. Failure to maintain and operate the Oliver storage tank containment area and the oscillator tank to minimize the possibility of any sudden or non-sudden release of hazardous waste or hazardous waste constituents to the air, soil or surface

water, as required by 320 IAC 4.1-17-2.

- e. Failure to maintain at least two feet of freeboard in the sludge suction pit, as required by 320 IAC 4.1-24-2.
- f. Failure to make a proper hazardous waste determination of fourteen drums of unknown waste found at the "sphere", as required by 320 IAC 4.1-7-2.

12. On November 12, 1987, IDEM conducted a compliance evaluation inspection of Respondent's facility. Specifically, the following violations were identified during the inspection:

- a. Failure to maintain and operate the east API separator to minimize the possibility of any sudden or non-sudden release of hazardous waste or hazardous waste constituents to the air, soil, or surface water, as required by 320 IAC 4.1-17-2.
- b. Failure to include in the job description for the Coordinator of Environmental Affairs manifest preparation duties and failure to maintain descriptions of training and records of training for the Coordinator of Environmental Affairs and all emergency coordinators, as required by 320 IAC 4.1-16-7.
- c. Failure to include in the contingency plan a brief outline of emergency equipment capabilities, as required by 320 IAC 4.1-18-3.
- d. Failure to include in manifest numbers 00079 and 00080 the telephone numbers of the designated facility and transporter, and failure to provide the proper hazardous waste code number on

manifest number 49560 to Safety Kleen, as required by 320 IAC 4.1-8-1.

- e. Failure to have interim status or a permit to store hazardous waste K049, K050, and K051 (vacuum filter sludge) in waste piles, as required by 320 IAC 4.1-38-2. Respondent refers to the waste pile storage area as "Goat Hill".

AMENDED COMPLIANCE ORDER

Respondent having been initially determined to be in violation of Sections 3004 and 3005 of RCRA, and 320 IAC 4.1 (now 329 IAC 3), the following Amended Compliance Order pursuant to Section 3008(a)(1) of RCRA, 42 U.S.C. §6928 (a)(1), is entered:

- A. Respondent shall immediately cease the placement of any additional hazardous or nonhazardous waste (except in accordance with a closure plan approved pursuant to 329 IAC 3-21-3(d)) into the waste pile storage area known by Respondent as "Goat Hill".
- B. Respondent shall achieve and maintain compliance with the standards applicable to generators of hazardous waste, as required by 329 IAC 3-7 through 329 IAC 3-11.
- C. Respondent shall submit, within fifteen (15) days of this Amended Order becoming final, a closure plan and (if necessary) a post-closure plan for Goat Hill to IDEM, as required by 329 IAC 3-21-3(d) and 329 IAC 3-21-9(e). Upon approval of the closure and (if necessary) post-closure plans by IDEM, Respondent shall perform all

closure and post-closure activities detailed in the approved plans in accordance with the approved schedules therein. Upon completion of the required closure activities, Respondent shall certify in writing to IDEM that the waste pile storage area has been closed in accordance with the specifications in the approved closure plans. Respondent shall also submit, or cause to have submitted to IDEM, written certification of the same from an independent registered professional engineer.

- D. Respondent shall revise all cost estimates, financial assurance and liability insurance mechanisms, as required by 329 IAC 3-15 through 329 IAC 3-32, to include the waste pile storage area and submit those to U.S. EPA and IDEM within forty-five (45) days of this Amended Order becoming final.
- E. Respondent shall notify U.S. EPA in writing within seven (7) days upon achieving compliance with this Amended Order or any part thereof. This notification shall be submitted to the U.S. EPA, Region V, Waste Management Division, 230 South Dearborn Street, Chicago, Illinois 60604, Attention: Rick Hersemann, RCRA Enforcement Branch (5HR-12).

A copy of these documents and all correspondence with U.S. EPA regarding this Amended Order shall also be submitted to: Thomas Linson, Chief, Hazardous Waste Management Branch, Indiana Department of Environmental Management, 105 South Meridian Street, Indianapolis, Indiana 46240-6015.

Notwithstanding any other provisions of this Amended Order, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. §6973, or any other applicable statutory authority, should U.S. EPA find that the handling, storage, treatment, transportation, or disposal of solid or hazardous waste at the facility may present an imminent and substantial endangerment to human health or the environment.

PROPOSED CIVIL PENALTY

In view of the above determination and in consideration of the seriousness of the violations cited herein, the potential harm to human health and the environment, the continuing nature of the violations, and the ability of the Respondent to pay penalties, the Complainant proposes to assess a civil penalty in the amount of SIXTY-FIVE THOUSAND THREE HUNDRED DOLLARS (\$65,300) against the Respondent, Rock Island Refining Corporation, pursuant to Sections 3008(c) and 3008(g) of RCRA, 42 U.S.C. §6928. Attachment I to the Amended Complaint provides a detailed summary of the proposed civil penalty. Payment shall be made by certified or cashier's check payable to the Treasurer of the United States of America and shall be mailed to U.S. EPA, Region V, P.O. Box 70753, Chicago, Illinois 60673. Copies of the transmittal of the payment should be sent to both the Regional Hearing Clerk, Planning and Management Division (5MF-14), and the Solid Waste and Emergency Response Branch Secretary, Office of Regional Counsel (5CS-TUB-3), U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604.

Failure to comply with any requirements of the Amended Order shall subject the above-named Respondent to liability for a civil penalty of up to TWENTY-FIVE

THOUSAND DOLLARS (\$25,000) for each day of continued noncompliance with the deadlines contained in this Amended Order. U.S. EPA is authorized to assess such penalties pursuant to RCRA Section 3008(c).

NOTICE OF OPPORTUNITY FOR HEARING

The above-named Respondent has the right to request a hearing to contest any material factual allegation set forth in the Amended Complaint and Compliance Order or the appropriateness of any proposed compliance schedule or penalty. Unless said Respondent has filed an answer not later than thirty (30) days from the date this Amended Complaint is served, Respondent may be found in default of the above Amended Complaint and Compliance Order.

To avoid a finding of default by the Regional Administrator you must file a written answer to this Amended Complaint with the Regional Hearing Clerk, Planning and Management Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, within thirty (30) days of receipt of this notice. A copy of your answer and any subsequent documents filed in this action should be sent to Marc M. Radell, Assistant Regional Counsel (5CS-TUB-3), at the same address; and to the Administrative Law Judge, Thomas B. Yost, U.S. Environmental Protection Agency, 345 Courtland Street, Atlanta, Georgia 30365. Failure to answer within thirty days of receipt of this Amended Complaint may result in a finding by the Regional Administrator that the entire amount of penalty sought in the Amended Complaint is due and payable and subject to interest and penalty provisions contained in the Federal Claims Collection Act of 1966, 31 U.S.C. §3701 et seq.

Your answer should clearly and directly admit, deny, or explain each of the

factual allegations of which Respondent has knowledge. Said answer should contain: (1) a definite statement of the facts which constitute the grounds of defense; and (2) a concise statement of the facts which Respondent intends to place at issue in the hearing. The denial of any material fact, or the raising of any affirmative defense, shall be construed as a request for a hearing.

The Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22, are applicable to this administrative action. A copy of these Rules was enclosed with the original Complaint.

SETTLEMENT CONFERENCE

Whether or not Respondent requests a hearing, Respondent may confer informally with U.S. EPA concerning: (1) whether the alleged violations in fact occurred as set forth above; (2) the appropriateness of the compliance schedule; and (3) the appropriateness of any proposed penalty in relation to the size of Respondent's business, the gravity of the violations, and the effect of the proposed penalty on Respondent's ability to continue in business. Respondent may request an informal settlement conference at any time by contacting this office. Any such request, however, will not affect either the thirty-day time limit for responding to this Amended Complaint or the thirty-day time limit for requesting a formal hearing on the violations alleged herein.

U.S. EPA encourages all parties to pursue the possibilities of settlement through informal conferences. A request for an informal conference should be made in writing to Mr. Rick Hersemann, RCRA Enforcement Branch (5HR-12), at the address cited above, or by calling him at (312) 886-7567.

Dated this 11th day of May, 1990.

Judith A. Kertcher
Judith A. Kertcher
Acting Associate Director, Office of RCRA
Waste Management Division
Complainant
U.S. Environmental Protection Agency
Region V

CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing Amended Complaint to be served upon the persons designated below, on the date below, by causing said copies to be deposited in the U.S. Mail, First Class and certified-return receipt requested, postage prepaid, at Chicago, Illinois, in envelopes addressed to:

577-052-724
C.T. Coporation Systems
Registered Agent for
Rock Island Refining Corporation
One North Central Avenue
Indianapolis, Indiana 46268

577-052-723
Administrative Law Judge
Thomas B. Yost
U.S. Environmental Protection
Agency
345 Courtland Street
Atlanta, Georgia 30365

I have further caused the original of the Amended Complaint and this Certificate of Service to be served in the Office of the Regional Hearing Clerk located in the Planning and Management Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, on the date below.

These are said persons' last known addresses to the subscriber.

Dated this 14 day of May, 1990.

Jean Sharp
Jean Sharp, Office of RCRA
U.S. EPA, Region V

PS Form 3811, July 1983 447-845

SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. ☐ Show to whom, date and address of delivery.
2. ☐ Restricted Delivery.

3. Article Addressed to:

C.T. CORP SYSTEMS
Rock Isld Refining
One N. Central
Indianapolis, IN

4. Type of Service:

- | | |
|---------------------------------------|----------------------------------|
| <input type="checkbox"/> Registered | <input type="checkbox"/> Insured |
| <input type="checkbox"/> Certified | <input type="checkbox"/> COD |
| <input type="checkbox"/> Express Mail | |

Article Number

577 052 724

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee

X

6. Signature — Agent

X

7. Date of Delivery

MAY 21 1990

8. Addressee's Address (ONLY if requested and fee paid)

DOMESTIC RETURN RECEIPT

END 006 417 430

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

**RETURN
TO**



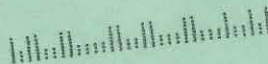
U.S. Environmental Protection Agency
Region V
230 South Dearborn
Chicago, Illinois 60604



PENALTY FOR PRIVATE
USE, \$300

SHR-13

Herselman



PART I. BACKGROUND

FACILITY NAME ROCK ISLAND REFINING CORPORATION

FACILITY LOCATION INDIANAPOLIS, INDIANA

RCRA ID NUMBER IND 006 417 430

ASSIGNEES REB HERSEMAN ORC RADELL

NATURE OF VIOLATION OPERATING WASTE PILES WITHOUT PERMIT

DATE OF DISCOVERY NOVEMBER 12, 1987

DATE OF REFERRAL JULY 5, 1988 () NOT APPLICABLE

ANY OTHER OUTSTANDING OR PAST ENFORCEMENT ACTIONS AGAINST THIS FACILITY:
ORIGINAL COMPLAINT 9/26/88

PART II. RECOMMENDATION AMENDED COMPLAINT

PART III. CONCURRENCES ON DRAFT

	INITIALS	DATE	AGREE	DISAGREE
PREPARER	RAH	2/7/90	(✓)	()
CHIEF, RCRA ENF. SECTION	JMB	2/8/90	(✓)	()
CHIEF, RCRA ENF. BRANCH	WEM	2/9/90	(✓)	()
ASSISTANT REGIONAL COUNSEL	MMR	2/22/90	(✓)	()
Chief, SWERB Section				

PART IV. NAME & DATE OF 3008(a)(2) NOTICE LETTER August 29, 1988
Letter to IDEM

PART V. APPROVAL

1. PREPARER	RAH	5/2/90	(✓)	()
2. CHIEF, RCRA ENF. SECTION	WEM	5/2/90	(✓)	()
3. CHIEF, RCRA ENF. BRANCH	WEM	5/7/90	(✓)	()
4. ASSISTANT REGIONAL COUNSEL	MMR	5/7/90	(✓)	()
5. CHIEF, S.W. & E.R. SECTION	RAJ	5/9/90	(✓)	()
6. ASSOC. DIR., OFFICE OF RCRA	GAJ	5/11/90	(✓)	()

NOTE: Attach sign-off sheets to yellow copy of the enforcement action.



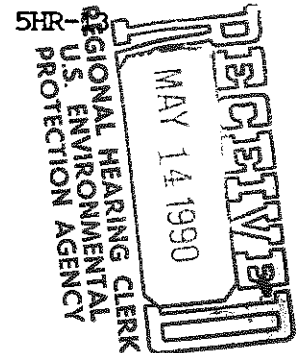
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

MAY 14 1990

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ronald L. Andes, Esq.
Marathon Oil Company
Findlay, Ohio 45840



Re: Consent Agreement and
Final Order
Rock Island Refining
Corporation
IND 006 417 430

Dear Mr. Andes:

This letter is to acknowledge receipt of the Consent Agreement and Final Order signed by Marathon Petroleum Company. A fully executed copy of the Consent Agreement and Final Order is enclosed for your file. Also enclosed is a copy of the Amended Complaint, Findings of Violation, Compliance Order (Docket No. V-W-88-R-038) filed in this matter.

Your cooperation in resolving this matter is appreciated.

Sincerely yours,

Judith A. Kertcher
Acting Associate Division Director
Office of RCRA

Enclosures

cc: Tom Linson, IDEM
Dennis Zawodni, IDEM

MAY 14 1990

5HR-13

577-052.725

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ronald L. Andes, Esq.
Marathon Oil Company
Findlay, Ohio 45840

Re: Consent Agreement and
Final Order
Rock Island Refining
Corporation
IND 006 417 430

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Your cooperation in resolving this matter is appreciated.

Sincerely yours,

Judith A. Kertcher
Acting Associate Division Director
Office of RCRA

Enclosures

cc: Tom Linson, IDEM
Dennis Zawodni, IDEM

bcc: M. Radell, ORC ✓
H. Cho, RPB ✓
B. Shorty, 5MF-14 ✓
J. Sharp, 5HR-13
R. Small, OWPE, OS-520

Zotomayla

5HR-12:RHersemann:nd:6-7567:5/2/90:PC#15RockI/ltr

Marathon

539 S. Main St.

Friday OH

ap
5/3/90

INIT. DATE	TYP.	AUTH.	IL/IN TECH. ENF. SEC.	MI/VI TECH. ENF. SEC.	QU/IN TECH. ENF. SEC.	IL/IN/VI ENF. PROG. SECTION	IN/IN/VI ENF. PROG. SECTION	RCRA ENF. DIR. CHIEF	O.S. APP.	WHY ENF.
<i>11/2</i> <i>5/2/90</i>	<i>RA</i>	<i>WE/58.</i> <i>5/2/90</i>							<i>OK</i> <i>5/11/90</i>	

PS Form 3811, July 1983 447-845

SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. ☐ Show to whom, date and address of delivery.
2. ☐ Restricted Delivery.

3. Article Addressed to: R.L. ANDES
Marathon oil
539 S. Main St
Findlay, OH

4. Type of Service:

- ☐ Registered ☐ Insured
☐ Certified ☐ COD
☐ Express Mail

Article Number

577 052 725

Always obtain signature of addressee or agent and
DATE DELIVERED.

5. Signature - Addressee

X

6. Signature - Agent

X

7. Date of Delivery

5-17-80

8. Addressee's Address (*ONLY if requested and fee paid*)

DOMESTIC RETURN RECEIPT

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS
Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN
TO →



ALWAYS USE
ZIP CODE

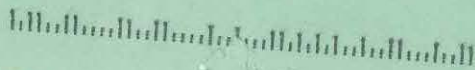


PENALTY FOR PRIVATE
USE, \$300

54R-13

R. Herselman

U.S. Environmental Protection Agency
Region V
230 South Dearborn
Chicago, Illinois 60604
(City, State, and ZIP Code)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:

ROCK ISLAND REFINING CORPORATION
5000 WEST 86TH STREET
INDIANAPOLIS, INDIANA 46268

)
) DOCKET NO. V-W-88-R-038
)

) CONSENT AGREEMENT AND
) FINAL ORDER
)

IND 006 417 430

PREAMBLE

On September 26, 1988, the United States Environmental Protection Agency (U.S. EPA) issued the original Complaint and Compliance Order in this matter (Original Complaint) and on May 14 , 1990, an Amended Complaint and Compliance Order (Amended Complaint) was filed pursuant to Section 3008(a)(1) of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. §6928(a)(1), and the U.S. EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant in the Original Complaint was the Director, Waste Management Division, Region V, U.S. EPA. This authority was delegated to the Associate Director, Office of RCRA, Waste Management Division, Region V, U.S. EPA, who was the Complainant in the Amended Complaint. The Respondent is Rock Island Refining Corporation, located at 5000 West 86th Street, Indianapolis, Indiana 46268. On December 1, 1989, Marathon Petroleum Company became the successor in interest to Rock Island Refining Corporation.

STIPULATIONS

The parties to this action, desiring to settle this action, and believing that this settlement is in the public interest, stipulate the following:

1. Respondent has been served with a copy of the Original Complaint and

the Amended Complaint, Findings of Violation, Compliance Order (Docket No. V-W-88-R-038) in this matter.

2. The Regional Administrator has jurisdiction over this matter pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. §6928(a)(2), which provides that U.S. EPA may enforce State regulations in those States authorized to administer a hazardous waste program. On January 31, 1986, the State of Indiana was granted final authorization by the Administrator of U.S. EPA, pursuant to Section 3006(b) of RCRA, 42 U.S.C. §6926(b), to administer a hazardous waste program in lieu of the Federal program. On July 5, 1988, the Indiana Department of Environmental Management (IDEM) referred jurisdiction over this matter to U.S. EPA.
3. Respondent's facility, located at 5000 West 86th Street, Indianapolis, Indiana is now owned and operated by Marathon Petroleum Company, an Ohio Corporation, whose registered agent in Indiana is CT Corporation Systems, One North Capital Avenue, Indianapolis, Indiana 46268.
4. Respondent admits the jurisdictional allegations contained in the Original Complaint and Amended Complaint filed herein.
5. Respondent neither admits nor denies the specific factual allegations contained in the Original Complaint and Amended Complaint filed herein.
6. Respondent explicitly waives the right to request a hearing on the allegations contained in the Original Complaint and Amended Complaint filed herein.
7. Should the Respondent fail to comply with any provisions contained in the subsequent Final Order, Respondent waives any rights it may possess in law or equity to challenge the authority of the U.S. EPA to bring a civil action in the appropriate United States district court to compel

compliance with the Final Order and/or to seek an additional penalty for the noncompliance.

8. Respondent consents to the issuance of the Order hereinafter recited and hereby consents to the payment of a civil penalty in the amount hereinafter stipulated, payable within thirty (30) days of the effective date of this Consent Agreement and Final Order.
9. This Consent Agreement and Final Order shall become effective on the date it is signed by the Director, Waste Management Division.

FINAL ORDER

Based upon the foregoing stipulations, the parties agree to the entry of the following Final Order:

- A. Respondent shall immediately cease the placement of any additional hazardous or nonhazardous waste (except in accordance with a closure plan approved pursuant to 329 IAC 3-21-3(d)) into the waste pile storage area known by Respondent as "Goat Hill". The area designated as "Goat Hill" is identified in Attachment A.
- B. Respondent shall achieve and maintain compliance with the standards applicable to generators of hazardous waste, as required by 329 IAC 3-7 through 329 IAC 3-11. Respondent shall notify the U.S. EPA and IDEM in writing that it has achieved compliance with this paragraph within thirty (30) days of the effective date of this Order. The notification of compliance shall be in accordance with paragraph F.
- C. Respondent shall, within forty-five (45) days of the effective date of this Order, submit a closure plan and (if necessary) a post-closure plan for the waste pile storage area known as "Goat Hill" to IDEM, as required by 329 IAC 3-21-3(d) and 329 IAC 3-22-9(e). Upon approval of the closure and (if necessary) post-closure plans by IDEM, Respondent shall perform all closure

and post-closure activities detailed in the approved plans in accordance with the approved schedules therein. Upon completion of the required closure activities, Respondent shall certify in writing to IDEM that the waste pile storage area has been closed in accordance with the specifications in the approved closure plans. Respondent shall also submit, or cause to have submitted to IDEM, written certification of the same from an independent registered professional engineer.

- D. Respondent shall, within forty-five (45) days of the effective date of this Order, revise all cost estimates, financial assurance and liability insurance mechanisms, as required by 329 IAC 3-15 through 329 IAC 3-32, for the waste pile storage area and submit those to U.S. EPA and IDEM.
- E. Respondent shall, within thirty (30) days of the effective date of this Order, pay a civil penalty in the amount of FIFTY-FOUR THOUSAND DOLLARS (\$54,000), payable to the Treasurer of the United States of America and mailed to U.S. EPA, Region V, P.O. Box 70753, Chicago, Illinois 60673. A copy of the transmittal of payment shall be mailed to Ms. Beverly Shorty, Regional Hearing Clerk, Planning and Management Division, (5MF-14), U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604 and to the Office of Regional Counsel, (5CS-TUB-3), SWER Branch Secretary, 230 South Dearborn Street, Chicago, Illinois 60604.
- F. Respondent shall notify U.S. EPA and IDEM in writing as compliance is achieved with the individual paragraphs of this Order. The notification(s) of compliance shall be attested to by a responsible official who shall state:

" I certify that the information contained in or accompanying this notification of compliance is true, accurate, and complete."

This notification shall be submitted to U.S. EPA, Region V, Waste Management Division, 230 South Dearborn Street, Chicago, Illinois 6064⁰_A,

Attention: Rick Hersemann, RCRA Enforcement Branch, 5HR-12. A copy of these documents and all correspondence with U.S. EPA regarding this Order shall also be submitted to Thomas Linson, Indiana Department of Environmental Management, 105 South Meridian Street, Indianapolis, Indiana 46240-6015.

- G. Failure to comply with any requirement of this Order may subject the Respondent to liability for a penalty of up to TWENTY-FIVE THOUSAND DOLLARS (\$25,000) for each day of continued noncompliance with the terms of this Order. U.S. EPA is authorized to assess such penalties pursuant to RCRA Section 3008(c), 42 U.S.C. §6928(c).
- H. Interest shall accrue on any amounts overdue under the terms of this Final Order at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. §3717. A late payment charge of \$20.00 will be imposed after thirty (30) days, with an additional charge of \$10.00 for each subsequent 30-day period over which an unpaid balance remains. In addition, a six percent per annum penalty will be applied on any principal amount not paid within ninety (90) days of the date that this Final Order is signed by the Director, Waste Management Division.
- I. This final Order and stipulations herein recited constitutes a settlement and final disposition of: (1) the Original Complaint and Amended Complaint filed in this case and; (2) all violations alleged by IDEM in its January 29, 1985, January 30, 1985, April 29, 1986, February 10, 1987, March 19, 1987, and November 12, 1987 inspections.
- J. Notwithstanding any other provisions of this Order, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. §6973, or other statutory provisions should U.S. EPA find that the handling, storage, treatment, transportation or disposal of solid waste or hazardous waste at the facility may present an imminent and substantial endangerment to human health or the environment.

SIGNATORIES

Each undersigned representative of a signatory to this Consent Agreement and Final Order consisting of six (6) pages certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Agreement and Final Order and to legally bind such signatory to this document.

Agreed this 5TH APRIL day of MARCH, 1990.

By

J. L. Atkins
J. L. Atkins
Indiana Refining Division Manager
Marathon Petroleum Company

Agreed this 14th day of May, 1990.

By

Judith A. Kertcher
for David A. Ullrich
Associate Director, Office of RCRA
Waste Management Division
U.S. Environmental Protection Agency
Region V, Complainant

The above being agreed and consented to, it is so ordered

this 14th day of May, 1990.

By

David A. Ullrich, Acting
Basil G. Constantelos, Director
Waste Management Division
U.S. Environmental Protection Agency
Region V

Consent Agreement and Final
Order:

Rock Island Refining Corporation
5000 West 86th Street
Indianapolis, Indiana 46268

IND 006 417 430
Docket No. V-W-88-R-038

LAWRLA/800

FINK ROBERTS & PETRIE, INC.
CONSULTING ENGINEERS

3307 WEST 96TH STREET INDIANAPOLIS, INDIANA 46268

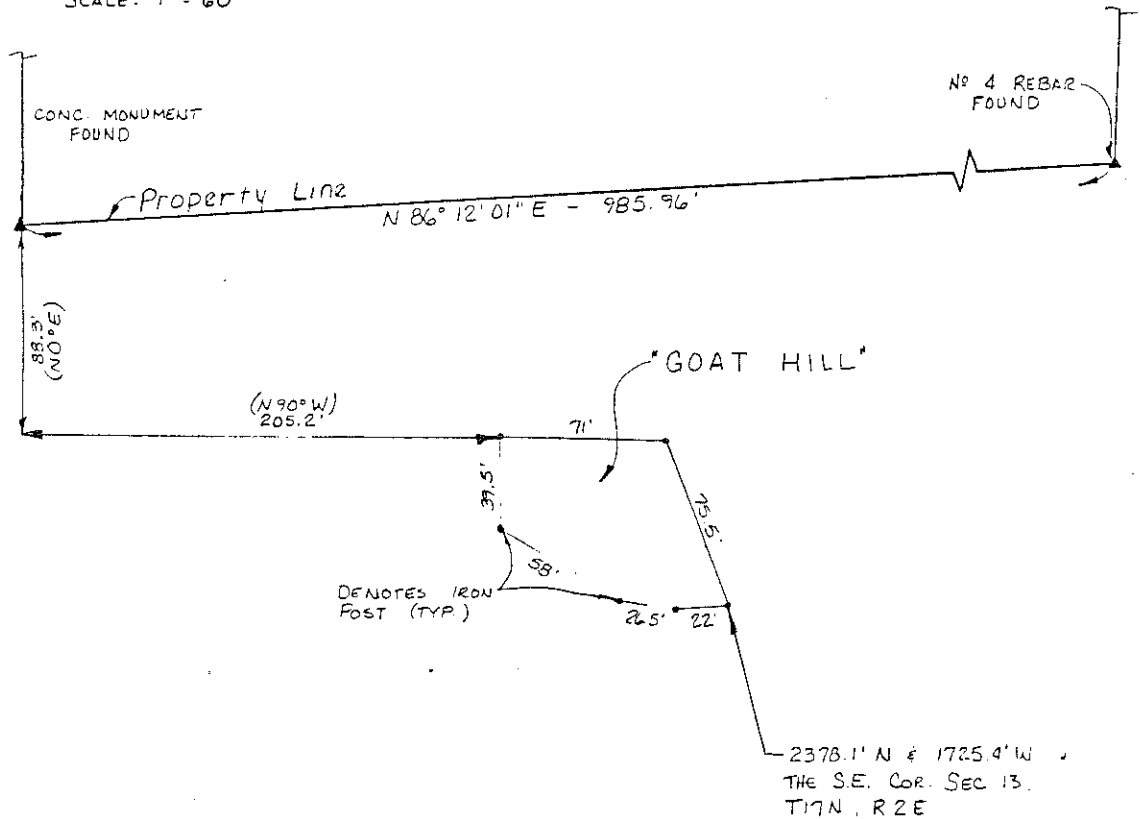
PHONE (317) 872-8400

PRINCIPALS
WILHELM BILGRAM, PE
JAMES A. CRAWFORD, PE
OFFICERS
GUY E. DANTWELL, PE, LS
JOE M. BLEVINS, LS
SALIM K. NAJJAR, PE
ASSOCIATE
ROBERT D. LAMSON
CONSULTANTS
GEORGE A. FINK, PE
B. R. PETRIE, PE

"GOAT HILL"
LOCATION SURVEY

JOB # 89223 1-11-90

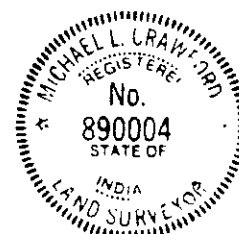
SCALE: 1" = 60'



THIS SURVEY WAS CONDUCTED BY MICHAEL L. CRAWFORD, REGISTERED LAND SURVEYOR, IN JAN 5, 1990

Michael L. Crawford

MICHAEL L. CRAWFORD, REGISTERED LAND SURVEYOR, NO. 890004, STATE OF INDIANA



1-12-90

RCRA CONSENT AGREEMENT AND FINAL ORDER SHUT-OFF

PART I BACKGROUND

Facility Name ROCK ISLAND REFINING CORPORATION
 Facility RCRA ID Number IND 006 417 430
 Docket Number V-W-88-R-038
 REB Assignee HERSEMANN ORC Assignee RADELL
 Summary of Agreement CLOSURE OF WASTE PILE, PENALTY

PART II CONCURRENCES ON DRAFT CAFO

	Initials	Date	Agree	Disagree
REB Assignee	<u>RAH</u>	<u>2/7/90</u>	<u>✓</u>	<u> </u>
Chief, RCRA Enf. Section	<u>JMB</u>	<u>2/8/90</u>	<u>✓</u>	<u> </u>
Chief, RCRA Enf. Branch	<u>Self for WEM</u>	<u>2/9/90</u>	<u>✓</u>	<u> </u>
Asst. Regional Counsel	<u>MMR</u>	<u>2/22/90</u>	<u>✓</u>	<u> </u>
Chief, S.W.E.R. Section	<u>RIJ</u>	<u>2/20/90</u>	<u>✓</u>	<u> </u>

PART III RETURN TO ORC ASSIGNEE FOR TRANSMITTAL OF DRAFT TO THE FACILITY

PART IV FINAL CAFO APPROVAL

REB Assignee	<u>RAH</u>	<u>5/2/90</u>	<u>✓</u>	<u> </u>
Chief, RCRA Enf. Section	<u>WSF/PM JB</u>	<u>5/2/90</u>	<u>✓</u>	<u> </u>
Chief, RCRA Enf. Branch	<u>WEM</u>	<u>5/7/90</u>	<u>✓</u>	<u> </u>
Asst. Regional Counsel	<u>MMR</u>	<u>5/7/90</u>	<u>✓</u>	<u> </u>
Chief, S.W.E.R. Section	<u>RIJ</u>	<u>5/9/90</u>	<u>✓</u>	<u> </u>
Assoc. Dir., Office of RCRA	<u>gok</u>	<u>5/11/90</u>	<u>✓</u>	<u> </u>
Director, WMD	<u>TAU</u>	<u>5/14/90</u>	<u>✓</u>	<u> </u>

PART V RETURN TO J. SHARP, 5HR-13, FOR MAILING

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

DATE:

SUBJECT: CAFO for Rock Island Refining Corporation
Docket No. V-W-88-R-038

FROM: Judith A. Kertcher, Acting Associate
Division Director, Office of RCRA

TO: David A. Ullrich, Acting Director
Waste Management Division

The attached CAFO for Rock Island Refining Corporation, Indianapolis, Indiana has been negotiated to resolve our September 26, 1988, Complaint concerning operation of waste piles without interim status or a permit, failure to implement a ground-water monitoring program, failure to obtain liability coverage for sudden and non-sudden accidental occurrences, and various other interim status violations. During negotiations, Rock Island Refining Corporation and the new owner/operator of the facility, Marathon Petroleum Company, provided documentation that the surface impoundments and land treatment areas were not RCRA regulated. Marathon Petroleum Company provided documentation of liability insurance for the facility. Additional records were provided which indicated that the facility was in compliance with portions of the interim status standards at the time of the compliance inspections conducted by the State.

As a result of the additional information provided, U.S. EPA agreed to amend the Original Complaint, deleting certain violations and lowering of the penalty. The attached Amended Complaint will be issued at the time the CAFO is finalized.

Our penalty demand in the Original Complaint was \$140,350. Based on the information provided during settlement negotiations, the penalty in the Amended Complaint was lowered to \$65,300. During negotiations, Rock Island Refining Corporation and Marathon Petroleum Company agreed to pay a penalty of \$54,000. Rock Island Refining Corporation and Marathon Petroleum Company agreed to close their hazardous waste pile and maintain compliance with the generator requirements.

I recommend that you sign this Order and return the signed CAFO and Amended Complaint to my office for distribution.

Attachments

5HR-12:RHersemann:nd:6-7567:5/2/90:PC#15:Memo

MMF 02C 5/2/90

INIT. DATE	TYP.	AUTH.	IL/MN TECH. ENF. SEC.	MI/WI TECH. ENF. SEC.	OH/MN TECH. ENF. SEC.	IL/MI/WI ENF. PROG. SECTION	IN/MI/ON ENF. PROG. SECTION	RORA ENF. BR. CHIEF	OR ADD.	WFO DL
5/2/90	7.1P.	RAH 5/2/90	WF/FM JD 5/2/90						<i>[Signature]</i> 5/11/90	

SETTLEMENT CONFERENCE

NAME _____

DATE _____

SUBJECT _____

SUMMARY OF CONFERENCE _____

[illegible]



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

December 28, 1989

REPLY TO THE ATTENTION OF:

5CS-TUB-3

Ronald L. Andes
Attorney
Marathon Oil Company
Findlay, Ohio 45840

Re: Rock Island Refining Corp.
Docket No. V-W-88-R-038

Dear Mr. Andes:

In response to your letter of December 5, 1989, the Region does not believe that a RCRA Facility Investigation/Corrective Measures Study (the RCRA equivalent of an RI/FS) should be conducted pursuant to a RCRA Section 3008(a) Consent Agreement and Final Order (CAFO). Such corrective action should be carried out pursuant to a RCRA permit or a separate consent order under Section 3008(h) of RCRA. The procedures and other provisions necessary for a 3008(h) order are too complex to be combined with the 3008(a) CAFO. For this reason, the Region believes that the draft CAFO should be entered in substantially the same form as that forwarded to you on October 3, 1989, to resolve the outstanding violations alleged in the September 26, 1988, Complaint. If Marathon Oil would like to incorporate RFI/CMS-type activities as part of the closure of the waste piles, this should be addressed in the closure plan approved by the Indiana Department of Environmental Management.

Please contact me at (312) 886-7948 if you would like to discuss this further.

Sincerely,

A handwritten signature in cursive script, reading "Marc M. Radell", is written over the typed name.

Marc M. Radell
Assistant Regional Counsel

cc: R. Hersemann, 5HR-12

Rona
Attorn.

Andes

file as Item 4.1

69767-2

Rock Island Complaint
on RCRA



**Marathon
Oil Company**

Findlay, Ohio 45840
Telephone 419/422-2121

November 28, 1989

Mark Radell, Esq.
U.S. Environmental Protection Agency
Region V
230 South Dearborn Street
Chicago, Illinois

Re: Amended Complaint and Compliance Order
Rock Island Refining Corporation
Docket Number V-W-87-R-064

Dear Mark:

Thank you for the opportunity to review and comment on the Amended Complaint and Compliance Order proposed to be issued in the above matter. The comments and changes recommended by Marathon Petroleum Company, Indiana Refining Division concerning the draft Consent Agreement and Final Order are as follows.

1. The first sentence under the preamble should be revised to read as follows: "On September 26, 1988, the United States Environmental Protection Agency ("U.S. EPA") issued the original Complaint and Compliance Order in this matter ("Original Complaint") and on _____, 1989, an amended complaint and Compliance Order ("Amended Complaint") was filed pursuant to Section 3,008(a)(1) of the Resource Conservation and Recovery Act of 1976 ("RCRA"), as amended, 42 U.S.C. § 6928(a)(1), and the U.S. EPA's Consolidated Rules of Practice concerning the administrative assessment of civil penalties and the revocation or suspension of permits, 40 CFR, Part 22." This revision and other changes are necessary to ensure that this Order resolves all the alleged violations both in the Original Complaint and in the Amended Complaint.

2. The preamble's identification of the Respondent should be amended to reflect that Rock Island Refining Corporation will be merged into Marathon Petroleum Company during the last week of November, 1989. It is suggested that the preamble identify Marathon Petroleum Company as a successor in interest to Rock Island Refining Corporation.

3. Paragraph 1 of the stipulations should be revised to read as follows: "Respondent has been served with a copy of the Original Complaint and Amended Complaint in this matter."

4. Paragraph 3 of the stipulations should be revised to reflect that the facility at 5000 W. 86th Street, Indianapolis, Indiana, is now owned by the Marathon Petroleum Company, Indiana Refining Division, an Ohio Corporation, whose resident agent is C T Corporation System.

5. Paragraph 4 of the stipulations should be revised to read as follows: "Respondent admits the jurisdictional allegations contained in the Original Complaint and Amended Complaint."

6. Paragraph 6 of the stipulations should be revised to read as follows: "The respondent explicitly waives the right to request a hearing on the allegations contained in the Original Complaint and Amended Complaint filed herein."

7. Paragraph "A" of the Final Order should be revised to identify by an enclosure to the Consent Agreement and Final Order the specific location and dimensions of the waste pile which would be subject to the provisions of paragraph B and C of the Final Order. The paragraph should also indicate that corrective action for Solid Waste Management Units is not required unless clean closure cannot be achieved.

180

8. Paragraph "B" of the Final Order should be revised to allow forty-five (45) days after the effective date of the Order for the submission of a closure plan. Further, as per our telephone conversation we are interested in pursuing the investigation and cleanup of the waste pile area to be identified in Paragraph A by a site specific plan which could be incorporated into the Final Order. This would substitute for the provisions of Paragraph B and C of the agreement.

9. Paragraph "C" of the Final Order should be revised to allow forty-five (45) days after the effective date of the Order.

10. Paragraph "D" of the Final Order should be deleted. The Refinery will not operate a RCRA storage, treatment, or disposal facility.

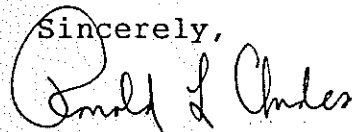
Mark Radell, Esq.
November 28, 1989
Page 3

11. Paragraph "I" of the Final Order should be revised as follows: "This Final Order and stipulations herein recited constitute a settlement and final disposition of: (1) the Original Complaint and Amended Complaint filed in this case; (2) all violations alleged by IDEM in its January 29, 1985, January 30, 1985, March 19, 1987 and November 12, 1982 inspections."

As you review these comments, please understand that Respondent believes the \$65,300 penalty referred to in paragraph "E" of the Final Order should be reduced to \$42,800, based on the mitigating circumstances in this case. More specifically, the \$22,500 assessed for violation of 320 IAC 4.1-38-2 should be reduced because the Stoddard Solvent was not a RCRA hazardous waste, but a raw material.

I'm sorry for the delay in responding to you. The delay reflects my need to obtain comments from outside counsel and our contractor. I hope that the comments we have provided prove helpful in the drafting process. Please call if you have any questions or need additional information.

Sincerely,



Ronald L. Andes
Attorney

RLA/dkj

cc: G. W. Pendygraft
N. F. Seppi
W. E. Laque

LAWRLA/6/1



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

October 3, 1989

REPLY TO THE ATTENTION OF:

5CS-TUB-3

Ronald L. Andes
Attorney
Marathon Oil Company
Findlay, Ohio 45840

Re: Rock Island Refining Corp.
Docket No. V-W-88-R-038

Dear Mr. Andes:

Enclosed please find a copy of a new Consent Agreement and Final Order ("CAFO") revised in keeping with our settlement discussions and documentation submitted by Marathon and Rock Island. Please review the CAFO and comment on it, as appropriate. I have also enclosed for your reference a copy of the draft, amended Complaint which Region V intends to file simultaneously with the final CAFO. An attachment to the Complaint explains the penalty calculation. Please contact me at (312) 886-7948 if you would like to arrange a conference call or meeting to discuss this further.

Sincerely,

Marc M. Radell
Assistant Regional Counsel

cc: R. Hersemann

file - Rock Island
RCRA Complaint

Attachment 3



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

Received at 8/23/90

PEC

REPLY TO THE ATTENTION OF:

5HR-12

31 AUG 1989

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. William Laque
Marathon Petroleum Company
5000 West 86th Street
Indianapolis, Indiana 46268

0338080002

CRAWFORD CO.

ROBINSON/MARATHON
COMPLIANCE

Re: Rock Island Refining Corporation
Indianapolis, Indiana
IND 006 417 430
Docket No. V-W-88-R-038

Dear Mr. Laque:

The United States Environmental Protection Agency (U.S. EPA) has reviewed the waste analysis data submitted at the August 10, 1989, informal settlement conference. The waste analysis data concerns the dewatering process of the wastewaters treated at your facility's wastewater treatment system. Specifically, the waste analysis data reviewed was the influent waste stream into the API separators and the effluent waste stream from the Oliver vacuum filter. The effluent is generated from the dewatering of API separator sludge at the Oliver vacuum filter. During the dewatering process, the effluent is returned to the API separators. The waste analysis data was submitted to demonstrate that the effluent from the Oliver vacuum filter is not a hazardous waste by application of 40 CFR 261.3(c)(2)(i) [329 IAC 3-3-3(c)(2)(A)].

In accordance with the August 23, 1985, U.S. EPA memorandum titled Applicability of the "Mixture" and "Derived From" Rules to Petroleum Refinery Wastewater Systems, U.S. EPA has determined that the effluent from the Oliver vacuum filter is not a hazardous waste by application of 40 CFR 261.3(c)(2)(i) [329 IAC 3-3-3(c)(2)(A)]. The waste analysis data demonstrates that the effluent from the Oliver vacuum filter is chemically equivalent to the non-listed wastewater influent into the API separators that originally generated the API separator sludge. Thus, the effluent from the Oliver vacuum filter, which is returned to the API separators, is not "derived from" the hazardous waste (API separator sludge).

SEP 5 1989

The U.S. EPA has also determined that the water generated in the API separators is not a hazardous waste by application of 40 CFR 261.3(b)(2) [329 IAC 3-3-3(b)(2)]. Therefore, the six aeration lagoons at your facility which received water from the API separators are not hazardous waste management units. The Indiana Department of Environmental Management (IDEM) has been informed of U.S. EPA's determinations and concurs with U.S. EPA's position regarding the six aeration lagoons. With respect to the corrective action program of the Resource Conservation and Recovery Act, these surface impoundments are classified as solid waste management units.

If you have any questions regarding this matter, please contact Mr. Rick Hersemann at (312) 886-7567.

Sincerely yours,

William E. Muno, Chief
RCRA Enforcement Branch

cc: Ron Andes, Marathon Oil Company ✓
Ned Seppi, Marathon Petroleum Company ✓
George Pendygraft, Pendygraft & Plews ✓
Thomas Linson, IDEM ✓
Dennis Zawodni, IDEM ✓
Phil Perry, IDEM ✓

bcc: J. Boyle, REB ✓
H. Cho, RPB ✓
M. Radell, ORC ✓

5HR-12:RHersemann:nd:6-7567:8/28/89

OK 8/30/89

	TYP.	AUTH.	IL/IN TECH. ENF. SEC.	MI/WI TECH. ENF. SEC.	OH/MN TECH. ENF. SEC.	IL/MI/WI ENF. PROG. SECTION	IN/MN/OH ENF. PROG. SECTION	RCRA ENF. BR. CHIEF	O.R. A.D.D.	WMD DIR
INIT. DATE	hgc.	REB	JMB					WEM		
	8/29/89	8/29/89	8/30/89					8/30/89		

-2-

The U.S. EPA has also determined that the water generated in the API separators is not a hazardous waste by application of 40 CFR 261.3(b)(2) [329 IAC 3-3-3(b)(2)]. Therefore, the six aeration lagoons at your facility which received water from the API separators are not hazardous waste management units. The Indiana Department of Environmental Management (IDEM) has been informed of U.S. EPA's determinations and concurs with U.S. EPA's position regarding the six aeration lagoons. With respect to the corrective action program of the Resource Conservation and Recovery Act, these surface impoundments are classified as solid waste management units.

If you have any questions regarding this matter, please contact Mr. Rick Hersemann at (312) 886-7567.

Sincerely yours,

Wm. E. Muro

William E. Muro, Chief
RCRA Enforcement Branch

cc: Ron Andes, Marathon Oil Company ✓
Ned Seppi, Marathon Petroleum Company
George Pandygraft, Pandygraft & Flews
Thomas Linson, IDEM
Dennis Zawodni, IDEM
Phil Perry, IDEM



**Marathon
Petroleum Company**

P.O. Box 68007
Indianapolis, Indiana 46268-0007
Telephone 317/872-3200

August 24, 1989

Mr. Rick Hersemann
RCRA Enforcement Branch (5HR-1Z)
Waste Management Division
U.S. EPA Region V
230 S. Dearborn Street
Chicago, IL 60604

Dear Mr. Hersemann:

This letter is written confirming the phone conversation of August 23, 1989 concerning the need for additional information with respect to the Complaint dated September 26, 1988.

Those items are as follows:

1. Documentation on clean up of spillage of material in the ISD RCRA Inspection Report dated 11-12-87.

Refer to Exhibit A.

2. Documentation regarding manifests 00079, 00080, and 4956.

Refer to Exhibit B.

3. Documentation regarding Marathon Petroleum Company, Indiana Refining Division having appropriate RCRA insurance for sudden and non-sudden occurrences.

Rock Island Refining Corporation (Rock Island) is self-insured. This form of liability coverage is provided because the Corporation is a wholly owned subsidiary of Marathon Petroleum Company. Marathon Petroleum Company is a wholly owned subsidiary of Marathon Oil Company. Marathon Oil Company has been in business for 102 years, and had sales in excess of \$9 billion in 1988. Because of the financial capabilities of Marathon, Rock Island has the ability to demonstrate financial assurance. Enclosed as Exhibit C are examples of how other refineries in the "Marathon System" have met the requirements of Sub-part H of 40 CFR Parts 264 and 265 using the financial test to demonstrate financial assurance.

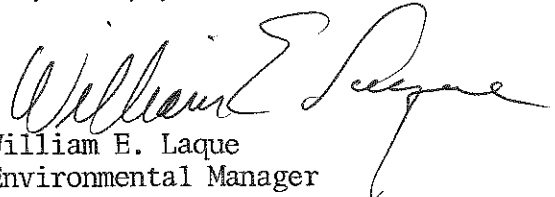
Refer to Exhibit C.

RECEIVED
AUG 31 1989
OFFICE OF RCRA
WASTE MANAGEMENT DIVISION
EPA, REGION V

Page 2
Mr. Rick Hersemann

Should additional information be needed or questions arise concerning the matter, please contact the undersigned at (317) 872-3200.

Very truly yours


William E. Laque
Environmental Manager

WEL/kes

Encs.

EXHIBIT A



P.O. Box 68007
Indianapolis, Indiana 46268-0007
Telephone 317/872-3200

August 24, 1989

Mr. Rick Hersemann
RCRA Enforcement Branch (5HR-1Z)
Waste Management Division
U.S. EPA, Region V
230 S. Dearborn Street
Chicago, IL 60604

RE: Marathon Petroleum Company
(Rock Island Refining Corporation)

Dear Mr. Hersemann:

At our meeting Thursday, August 10, 1989, you had indicated that you were interested in being provided additional information that Marathon Petroleum Company/Rock Island Refining Corporation (Marathon) might have in connection with spillage believed to have occurred in the general vicinity of the East API Separator and West API Separator. This was not mentioned in the Complaint, but requested based on the TSD RCRA Inspection Report (that you provided to us after the first meeting) dated 11-12-87, page 5, Item 13., additional comments: "Noted spillage of oily material around area of East API Separator-north side. Also, note spillage around sludge holding (accelerator tank on west side as mentioned during the last inspection (see diagram))".

After review of company records, we have, to date, been unable to obtain documentation on the removal and disposal of such spilled material specifically identified in the inspection report. Nonetheless, it has been the company's routine practice where any such spills may have occurred, for the material to be removed and disposed of properly.

To be doubly sure, the areas are being cleaned, formal work orders have been issued as a follow-up to address the matter (refer to Attachment A), copies of those work orders are included, and the progress of that work is being monitored by the undersigned. The material being removed is assumed to be hazardous waste for purpose of disposal.

Very truly yours,

A handwritten signature in cursive script that reads 'William E. Laque'.
William E. Laque
Environmental Manager

WEL/kes

Encs.

ATTACHMENT A



Marathon
Petroleum Company

No 51413

WORK REQUEST

REQUESTING DEPARTMENT			
Request Date: 21 Aug 89	By: LAQUE	Area: 3	Unit: Equipt. No.:
Priorities: <input type="checkbox"/> Emergency <input type="checkbox"/> P.P.M. <input checked="" type="checkbox"/> Urgent <input type="checkbox"/> Routine <input type="checkbox"/> Turnaround <input type="checkbox"/> Review Required			
Job Description: Clean up area around EAST API separator and north of East API. Scrape down to clean dirt.			CRAFT DEPT. <input type="checkbox"/> Metal Skills <input type="checkbox"/> Elect. <input type="checkbox"/> Inst. <input type="checkbox"/> Mach.-Mech <input type="checkbox"/> Bldg. Skills <input type="checkbox"/> Laborers <input type="checkbox"/> Mtl. Hand.
Special Instructions:			
Is This a Follow Up w/o <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Previous w/o No.			
Type of Work: <input checked="" type="checkbox"/> Expense <input type="checkbox"/> Capital		If Capital, Give AFE No:	
Date Equipment Available: TODAY'S DATE		Desired Completion Date:	
Permit Required: <input type="checkbox"/> None <input type="checkbox"/> Hot Work <input type="checkbox"/> Entry <input type="checkbox"/> Confined <input type="checkbox"/> Other (Specify)			
Department Approvals: (1) WEL		(2)	(3) (4)



Marathon
Petroleum Company

No 51412

WORK REQUEST

REQUESTING DEPARTMENT			
Request Date: 21 Aug 89	By: LAQUE	Area: /	Unit: 7 * Equipt. No.:
Priorities: <input type="checkbox"/> Emergency <input type="checkbox"/> P.P.M. <input checked="" type="checkbox"/> Urgent <input type="checkbox"/> Routine <input type="checkbox"/> Turnaround <input type="checkbox"/> Review Required			
Job Description: Clean up area around west API, Oliver filter and pumps. Scrape down to clean dirt and replace bily gravel.			CRAFT DEPT. <input type="checkbox"/> Metal Skills <input type="checkbox"/> Elect. <input type="checkbox"/> Inst. <input type="checkbox"/> Mach.-Mech <input type="checkbox"/> Bldg. Skills <input type="checkbox"/> Laborers <input type="checkbox"/> Mtl. Hand.
Special Instructions:			
Is This a Follow Up w/o <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Previous w/o No.			
Type of Work: <input type="checkbox"/> Expense <input type="checkbox"/> Capital		If Capital, Give AFE No:	
Date Equipment Available: Today's DATE		Desired Completion Date:	
Permit Required: <input type="checkbox"/> None <input type="checkbox"/> Hot Work <input type="checkbox"/> Entry <input type="checkbox"/> Confined <input type="checkbox"/> Other (Specify)			
Department Approvals: (1) WFL		(2)	(3) (4)

EXHIBIT B



PLEASE PRINT OR TYPE (Form designed for use on elite (12-pitch) typewriter.) Form Approved. OMB No. 2050-0039. Expires 9-30-88

case of a spill call Indiana Office of Environmental Response at 317/243-0100 (day), or 317/633-0144 (night) and the
nal Response Center at 800/424-8802 or 202/426-2675.

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. IND0006417430		2. Page 1 of 1		3. Information in the shaded areas is not required by Federal law, but items D, F, H and I are required by State law.	
3. Generator's Name and Mailing Address ROCK ISLAND REFINERY 5000 W 84TH ST PO BOX 68007 INDIANAPOLIS IN 46268		4. Generator's Phone () 317 872-3200		A. State Manifest Document Number INA 0112952		B. State Generator's ID	
5. Transporter 1 Company Name SAFETY-KLEEN CORPORATION		6. Use EPA ID Number IND000008415886		C. State Transporter's ID		D. Transporter's Phone () 317 356-2466	
7. Transporter 2 Company Name		8. Use EPA ID Number		E. State Transporter's ID		F. Transporter's Phone	
9. Designated Facility Name and Site Address SAFETY-KLEEN CORPORATION 8418-24-26 BROOKVILLE RD. INDIANAPOLIS IN 46239		10. Use EPA ID Number IND00000815886		G. State Facility's ID		H. Facility's Phone () 317 356-2466	
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number) WASTE PETROLEUM NAPHTHA COMBUSTIBLE LIQUID UN1255 (EPA IGNITABILITY 0001)		12. Containers No. 7 Type D M		13. Total Quantity 560		14. Unit Wt/Vol. 560	
a. Waste Compound Cleaning Liquid, Corrosive Material		b. Waste Compound Cleaning Liquid, Corrosive Material		c. Waste Compound Cleaning Liquid, Corrosive Material		d. Waste Compound Cleaning Liquid, Corrosive Material	
J. Additional Descriptions for Materials Listed Above		K. Handling Codes for Wastes Listed Above					
15. Special Handling Instructions and Additional Information IN WEEK 20 CUSTOMER 4-076-02-7267 PREPRINT 149560 TERRITORY 80							
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.							
Printed/Typed Name Russ Smith		Signature <i>Russ Smith</i>		Date Month 05 Day 22 Year 87			
17. Transporter 1 Acknowledgement of Receipt of Materials Printed/Typed Name Ralph Best		Signature <i>Ralph Best</i>		Date Month 05 Day 22 Year 87			
18. Transporter 2 Acknowledgement of Receipt of Materials Printed/Typed Name		Signature		Date Month Day Year			
19. Discrepancy Indication Space							
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted Item 19. Printed/Typed Name Bene Stevens		Signature <i>Bene Stevens</i>		Date Month 05 Day 22 Year 87			



INA 0112952



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Form Approved. OMB No. 2050-0039. Expires 9-30-88

UNIFORM HAZARDOUS WASTE MANIFEST

1. Generator's US EPA ID No.

Manifest Document No.

2. Page 1

Information in the shaded areas is not required by Federal law, but items D, F, H and I are required by State law.

3. Generator's Name and Mailing Address

A. State Manifest Document Number

INA 0112952

4. Generator's Phone

B. State Generator's ID

5. Transporter 1 Company Name

6. Use EPA ID Number

C. State Transporter's ID

7. Transporter 2 Company Name

8. Use EPA ID Number

D. Transporter's Phone

E. State Transporter's ID

F. Transporter's Phone

9. Designated Facility Name and Site Address

10. Use EPA ID Number

G. State Facility's ID

H. Facility's Phone

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

12. Containers

13. Total Quantity

14. Unit Wt/Vol.

I. Waste No.

a.

WASTE PETROLEUM HYDROCARBON LIQUID

No.

Type

Quantity

Unit Wt/Vol.

Waste No.

b.

c.

d.

J. Additional Descriptions for Materials Listed Above

K. Handling Codes for Wastes Listed Above

15. Special Handling Instructions and Additional Information

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations.

If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name

Signature

Month Day Year

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year

19. Discrepancy Indication Space

20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted Item 19.

Printed/Typed Name

Signature

Month Day Year

INA 0112952

DO NOT WRITE IN THIS SPACE

Please print or type. (Form designed for use on elite (12-pitch) typewriter)

Form Approved OMB No. 2000 0404 Expires 7 31 86

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No.		Manifest Document No.		2. Page 1 of		Information in the shaded areas is not required by Federal law	
3. Generator's Name Rock Island Refining Corp. 5000 W. 86th Street, Indianapolis, IN 46268		I N D 0 0 6 4 1 7 4 3 0 0 0 0 8 1 0				A. State Manifest Document Number IN 084010		B. State Generator's ID	
4. Generator's Phone (317) 872-3200						C. State Transporter's ID		D. Transporter's Phone	
5. Transporter 1 Company Name Indiana Liquid Transport		6. US EPA ID Number I N D 0 5 8 4 8 4 1 1 4				E. State Transporter's ID		F. Transporter's Phone	
7. Transporter 2 Company Name		8. US EPA ID Number				G. State Facility's ID		H. Facility's Phone	
9. Designated Facility Name and Site Address Heritage Environmental Service 7901 W. Morris St. Indianapolis, IN 46231		10. US EPA ID Number I N D 0 9 3 2 1 9 0 1 2							
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers		13. Total Quantity		14. Unit Wt/Vol		Waste No.	
a. RQ, WASTE ALKALINE LIQUID NOS NA 1719 (EPA-CORROSIVITY)		No. Type 1 T T		5351 5631		G		D002	
b.									
c.									
d.									
J. Additional Descriptions for Materials Listed Above		K. Handling Codes for Wastes Listed Above							
15. Special Handling Instructions and Additional Information P.O. No. 23146									
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations. Unless I am a small quantity generator who has been exempted by statute or regulation from the duty to make a waste minimization certification under Section 3002(b) of RCRA, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment.		Printed/Typed Name Jane M. O'Connor		Signature Jane M. O'Connor		Month Day Year 13 31 87			
17. Transporter 1 Acknowledgement of Receipt of Materials		Printed/Typed Name DANNY HENSON		Signature Danny Henson		Month Day Year 13 31 87			
18. Transporter 2 Acknowledgement of Receipt of Materials		Printed/Typed Name		Signature		Month Day Year			
19. Discrepancy Indication Space T. Quantity - Confirmed by J. O'Connor 4-7-87 [Signature]									
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted item 19:		Printed/Typed Name Wendell Hutchins		Signature Wendell Hutchins		Month Day Year 03 21 87			

IN 084010

Division of Land Pollution Control - Manifest
Indiana State Board of Health
P.O. Box 7035
Indianapolis, IN 46207-7035

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Form Approved OMB No. 2000 0404 Expires 7 31 86

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No.		Manifest Document No.		2. Page 1 of		Information in the shaded areas is not required by Federal law	
3. Generator's Name Rock Island Refining Corp. 5000 W. 86th Street, Indianapolis, IN 46268		IND006417430000080		A. State Manifest Document Number IN 084010		B. State Generator's ID			
4. Generator's Phone () 317 872-3200		6. US EPA ID Number IND058484114		C. State Transporter's ID		D. Transporter's Phone			
5. Transporter 1 Company Name Indiana Liquid Transport		8. US EPA ID Number		E. State Transporter's ID		F. Transporter's Phone			
7. Transporter 2 Company Name		10. US EPA ID Number		G. State Facility's ID		H. Facility's Phone			
9. Designated Facility Name and Site Address Heritage Environmental Service 7901 W. Morris St. Indianapolis, IN 46231		IND093219012		13. Total Quantity		14. Unit Wt/Vol		1. Waste No.	
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers							
a. RQ, WASTE ALKALINE LIQUID NOS NA 1719 (EPA-CORROSIVITY)		No. Type						D002	
b.									
c.									
d.									
J. Additional Descriptions for Materials Listed Above		K. Handling Codes for Wastes Listed Above							
15. Special Handling Instructions and Additional Information P.O. No. 23146									
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations. Unless I am a small quantity generator who has been exempted by statute or regulation from the duty to make a waste minimization certification under Section 3002(b) of RCRA, I also certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment.		Printed/Typed Name Jane M. O'Connor		Signature <i>Jane M O'Connor</i>		Month Day Year 13 31 08			
17. Transporter 1 Acknowledgement of Receipt of Materials		Printed/Typed Name		Signature		Month Day Year			
18. Transporter 2 Acknowledgement of Receipt of Materials		Printed/Typed Name		Signature		Month Day Year			
19. Discrepancy Indication Space									
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted Item 19.		Printed/Typed Name		Signature		Month Day Year			

IN 084010

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Form Approved OMB No. 2000 0404 Expires 7 31 86

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. I N D 0 0 6 4 1 7 4 3 0 0 0 0 7 9		Manifest Document No.		2. Page 1 of		Information in the shaded areas is not required by Federal law							
3. Generator's Name Rock Island Refining Corp. 5000 W. 86th Street, Indianapolis, IN 46268						A. State Manifest Document Number IN 084009									
4. Generator's Phone (317) 872-3200						B. State Generator's ID									
5. Transporter 1 Company Name Indiana Liquid Transport						C. State Transporter's ID									
6. US EPA ID Number I N D 0 5 8 4 8 4 1 1 4						D. Transporter's Phone									
7. Transporter 2 Company Name						E. State Transporter's ID									
8. US EPA ID Number						F. Transporter's Phone									
9. Designated Facility Name and Site Address Heritage Environmental Service 7901 W. Morris St. Indianapolis, IN 46231						G. State Facility's ID									
10. US EPA ID Number I N D 0 9 3 2 1 9 0 1 2						H. Facility's Phone									
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)						12. Containers		13. Total Quantity		14. Unit Wt/Vol		15. Waste No.			
a. RQ, WASTE ALKALINE LIQUID NOS NA 1719 (EPA-CORROSIVITY)						No. Type 1 T T		5631 actual 6000 est.				D002			
b.															
c.															
d.															
J. Additional Descriptions for Materials Listed Above						K. Handling Codes for Wastes Listed Above									
15. Special Handling Instructions and Additional Information P.O. No. 23146															
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Printed/Typed Name Jane M. O'Connor						Signature Jane M. O'Connor						Month Day Year 3 31 87			
17. Transporter 1 Acknowledgement of Receipt of Materials						Printed/Typed Name Donny Henson						Signature Donny Henson		Month Day Year 3 31 87	
18. Transporter 2 Acknowledgement of Receipt of Materials						Printed/Typed Name						Signature		Month Day Year	
19. Discrepancy Indication Space															
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted Item 19.															
Printed/Typed Name Wenden Hutchins						Signature Wenden Hutchins						Month Day Year 03 31 87			

IN 084009

DO NOT WRITE IN THIS SPACE

Please print or type. (Form designed for use on elite (12-pitch) typewriter)

Form Approved OMB No. 2000 0404 Expires 7 31 86

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. I N D 0 0 6 4 1 7 4 3 0 0 0 0 7 9		Manifest Document No.		2. Page 1 of		Information in the shaded areas is not required by Federal law	
3. Generator's Name Rock Island Refining Corp. 5000 W. 86th Street, Indianapolis, IN 46268				A. State Manifest Document Number IN 084009					
4. Generator's Phone (317) 872-3200				B. State Generator's ID					
5. Transporter 1 Company Name Indiana Liquid Transport				6. US EPA ID Number I N D 0 5 8 4 8 4 1 1 4		C. State Transporter's ID			
7. Transporter 2 Company Name				8. US EPA ID Number		D. Transporter's Phone			
9. Designated Facility Name and Site Address Heritage Environmental Service 7901 W. Morris St. Indianapolis, IN 46231				10. US EPA ID Number I N D 0 9 3 2 1 9 0 1 2		E. State Transporter's ID			
						F. Transporter's Phone			
						G. State Facility's ID			
						H. Facility's Phone			
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)				12. Containers		13. Total Quantity		14. Unit Wt/Vol	
				No. Type				Waste No.	
a. RQ, WASTE ALKALINE LIQUID NOS NA 1719 (EPA-CORROSIVITY)				1 1 T T				D002	
b.									
c.									
d.									
J. Additional Descriptions for Materials Listed Above				K. Handling Codes for Wastes Listed Above					
15. Special Handling Instructions and Additional Information P.O. No. 23146									
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Printed/Typed Name Jane M. O'Connor				Signature <i>Jane M. O'Connor</i>				Month Day Year 13 30 87	
17. Transporter 1 Acknowledgement of Receipt of Materials								Date	
Printed/Typed Name				Signature				Month Day Year	
18. Transporter 2 Acknowledgement of Receipt of Materials								Date	
Printed/Typed Name				Signature				Month Day Year	
19. Discrepancy Indication Space									
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted Item 19.									
Printed/Typed Name				Signature				Month Day Year	

IN 084009

EXHIBIT C

Price Waterhouse



May 10, 1989

To the Board of Directors
and Management of
Marathon Oil Company

We have audited, in accordance with generally accepted auditing standards, the consolidated balance sheet of Marathon Oil Company (a wholly owned subsidiary of USX Corporation) and Subsidiaries as of December 31, 1988 and 1987 and the related consolidated statements of income, of shareholder's equity, and of cash flows for each of the three years in the period ended December 31, 1988 and have issued our report thereon dated February 7, 1989. We have not examined any financial statements of the Company as of any date or for any period subsequent to December 31, 1988, and we have not applied any other procedures except for those described in this report.

For the purpose of this report, we have applied agreed-upon procedures, described in the following paragraph, to certain information appearing in the Company's letter dated March 21, 1989 to comply with the financial requirements of Subpart H of 40 CFR, Parts 264 and 265.

Our procedures consisted of comparing the data in the letter from the chief financial officer of the Company in Alternative II, Items 5 and 6, with, except as described below, the information contained in the audited financial statements of the Company for the year ended December 31, 1988. With respect to tangible net worth at Item 5, we subtracted the dollar amount of intangible assets, obtained from the Company's accounting records, from the dollar amount of total assets, obtained from the audited financial statements of the Company, and further subtracted from the resulting amount the dollar amount of total liabilities obtained from the audited financial statements of the Company.

Because the procedures referred to in the preceding paragraph do not constitute an audit made in accordance with generally accepted auditing standards, we do not express an opinion on any of the items referred to above. In connection with the procedures referred to in the preceding paragraph, no matters came to our attention that caused us to believe that the items specified in this

May 10, 1989
To the Board of Directors
Page Two



report should be adjusted. This report relates only to the items specified in the preceding paragraph and, accordingly, we do not express an opinion, or any other form of assurance, on any other data appearing in the Company's letter.

It is understood that this report is solely for complying with the requirements described in the second paragraph of this report and should not be used for any other purposes.

Price Waterhouse

March 21, 1989

Secretary
Louisiana Department of Environmental Quality
P. O. Box 44307
Baton Rouge, Louisiana 70804

Dear Sir:

I am the chief financial officer of Marathon Oil Company; 539 South Main Street; Findlay, Ohio 45840. This letter is in support of this firm's use of the financial test to demonstrate financial assurance, as specified in Chapter 37 of the Louisiana Hazardous Waste Regulations (LHWR).

1. This firm is the owner or operator of the following facilities for which financial assurance for closure or post-closure care is demonstrated through the financial test specified in Chapter 37 of the LHWR. The current closure and/or post-closure cost estimates covered by the test are shown for each facility: None.
2. This firm guarantees, through the corporate guarantee specified in Chapter 37 of the LHWR, the closure or post-closure care of the following facilities owned or operated by subsidiaries of this firm. The current cost estimates for the closure or post-closure care so guaranteed are shown for each facility: See attached.
3. In States other than Louisiana, this firm, as owner or operator or guarantor, is demonstrating financial assurance for the closure or post-closure care of the following facilities through the use of a test equivalent or substantially equivalent to the financial test specified in Chapter 37 of the LHWR. The current closure and/or post-closure cost estimates covered by such a test are shown for each facility: See attached.
4. This firm is the owner or operator of the following hazardous waste management facilities for which financial assurance for closure or, if a disposal facility, post-closure care, is not demonstrated either to the U.S. Environmental Protection Agency or to a State through the financial test or any other financial assurance mechanism specified in Chapter 37 of the LHWR and/or equivalent or substantially equivalent State mechanisms. The current closure and/or post-closure cost estimates not covered by such financial assurance are shown for each facility: None.

This firm is not required to file a Form 10K with the Securities and Exchange Commission (SEC) for the latest fiscal year.

The fiscal year of this firm ends on December 31. The figures for the following items marked with an asterisk are derived from this firm's independently audited, year-end financial statements for the latest completed fiscal year, ended 1988.

ALTERNATIVE II

1. Sum of current closure and post-closure cost estimates: \$12,275,965
2. Current bond rating of most recent issuance of this firm and name of rating service: Baa - Moody's
3. Date of issuance of bond: March 1, 1987
4. Date of maturity of bond: March 1, 1994
- *5. Tangible net worth: \$3,217,264,000
- *6. Total assets in U.S. (required only if less than 90% of firm's assets are located in the U.S): \$6,697,000,000

- | | YES | NO |
|---|---------------|---------------|
| 7. Is line 5 at least \$10 million? | <u>X</u> | <u> </u> |
| 8. Is line 5 at least 6 times line 1? | <u>X</u> | <u> </u> |
| 9. Are at least 90% of firm's assets located in the U.S.? If not, complete line 10. | <u> </u> | <u>X</u> |
| 10. Is line 6 at least 6 times line 1? | <u>X</u> | <u> </u> |

I hereby certify that the wording of this letter is identical to the wording specified in LAC 33:V.3719.F as such regulations were constituted on the date shown immediately below.

Signed: _____
R. D. Cooley
Senior Vice President, Finance and Administration

Date: _____

	<u>Closure Amount</u>	<u>Post-Closure Amount</u>	<u>Total</u>
2. USEPA I.D. No. LAD 081999724 Name: Marathon Petroleum Company; Garyville, LA Refinery Address: R. No. 61; Garyville, LA 70051	\$1,139,726	\$1,330,034	\$2,469,760
3. USEPA I.D. No. IDL 0005476882 Name: Marathon Petroleum Company; Robinson, IL Refinery Address: Refinery Office Building; Robinson, IL 62454	\$1,912,043	\$4,140,462	\$6,052,505
USEPA I.D. No. GD-095-0981 Name: Marathon Petroleum Company; Garyville, LA Refinery Address: R. No. 61; Garyville, LA 70051	\$3,675,550	\$0	\$3,675,550
USEPA I.D. No. TXD 008079501 Name: Marathon Petroleum Company; Texas City, TX Refinery Address: 1320 Loop 197 South; Texas City, TX 77592-1191	\$ 78,150	\$0	\$ 78,150
USEPA I.D. No. INDO06417430 Name: Rock Island Refining Corp.; Indianapolis, IN Refinery Address: 5000 West 86 Street; Indianapolis, IN 46268			

Rock Island Refining Corporation was acquired by Marathon Petroleum Company on March 8, 1989. Closure and Post-Closure amounts are in the process of being determined.

LETTER FROM CHIEF FINANCIAL OFFICER

March 21, 1989

Mr. E. V. Hatton, Head
Compliance Assistance Unit
Hazardous and Solid Waste Division
Texas Water Commission
1700 North Congress Avenue
Austin, Texas 78711

Dear Mr. Hatton:

I am the chief financial officer of Marathon Oil Company; 539 South Main Street; Findlay, Ohio 45840. This letter is in support of this firm's use of the financial test to demonstrate financial assurance, as specified in Subpart H of 40 CFR Parts 264 and 265.

1. This firm is the owner or operator of the following facilities for which financial assurance for closure or post-closure care is demonstrated through the financial test specified in Subpart H of 40 CFR Parts 264 and 265. The current closure and/or post-closure cost estimates covered by the test are shown for each facility: None.
2. This firm guarantees, through the corporate guarantee specified in Subpart H of 40 CFR Parts 264 and 265, the closure or post-closure care of the following facilities owned or operated by subsidiaries of this firm. The current cost estimates for the closure or post-closure care so guaranteed are shown for each facility: None.
3. In States where EPA is not administering the financial requirements of Subpart H of 40 CFR Part 264 and 265, this firm, as owner or operator or guarantor, is demonstrating financial assurance for the closure or post-closure care of the following facilities through the use of a test equivalent or substantially equivalent to the financial test specified in Subpart H of 40 CFR Parts 264 and 265. The current closure and/or post-closure cost estimates covered by such a test are shown for each facility: See attached.
4. This firm is the owner or operator of the following hazardous waste management facilities for which financial assurance for closure or, if a disposal facility, post-closure care, is not demonstrated either to the EPA or a State through the financial test or any other financial assurance mechanism specified in Subpart H of 40 CFR Parts 264 and 265 or equivalent or substantially equivalent State mechanisms. The current closure and/or post-closure cost estimates not covered by such financial assurance are shown for each facility: None.

March 21, 1989

This firm is not required to file a Form 10K with the Securities and Exchange Commission (SEC) for the latest fiscal year.

The fiscal year of this firm ends on December 31. The figures for the following items marked with an asterisk are derived from this firm's independently audited, year-end financial statements for the latest completed fiscal year, ended 1988.

ALTERNATIVE II

1. Sum of current closure and post-closure cost estimates: \$12,275,965
 2. Current bond rating of most recent issuance of this firm and name of rating service: Baa - Moody's
 3. Date of issuance of bond: March 1, 1987
 4. Date of maturity of bond: March 1, 1994
 - *5. Tangible net worth: \$3,217,264,000
 - *6. Total assets in U.S. (required only if less than 90% of firm's assets are located in the U.S): \$6,697,000,000
- | | YES | NO |
|---|----------|----------|
| 7. Is line 5 at least \$10 million? | <u>X</u> | ___ |
| 8. Is line 5 at least 6 times line 1? | <u>X</u> | ___ |
| 9. Are at least 90% of firm's assets located in the U.S.? If not, complete line 10. | ___ | <u>X</u> |
| 10. Is line 6 at least 6 times line 1? | <u>X</u> | ___ |

I hereby certify that the wording of this letter is identical to the wording specified in 40 CFR 264.151(f) as such regulations were constituted on the date shown immediately below.

Signed: _____

R. D. Cooley

Senior Vice President, Finance and Administration

Date: _____

	<u>Closure Amount</u>	<u>Post-Closure Amount</u>	<u>Total</u>
3. USEPA I.D. No. TXD 008079501 Name: Marathon Petroleum Company; Texas City, TX Refinery Address: 1320 Loop 197 South; Texas City, TX 77592-1191	\$ 78,150	\$0	\$ 78,150
USEPA I.D. No. LAD 081999724 Name: Marathon Petroleum Company; Garyville, LA Refinery Address: R. No. 61; Garyville, LA 70051	\$1,139,726	\$1,330,034	\$2,469,760
USEPA I.D. No. GD-095-0981 Name: Marathon Petroleum Company; Garyville, LA Refinery Address: R. No. 61; Garyville, LA 70051	\$3,675,550	\$0	\$3,675,550
USEPA I.D. No. IDL 0005476882 Name: Marathon Petroleum Company; Robinson, IL Refinery Address: Refinery Office Building; Robinson, IL 62454	\$1,912,043	\$4,140,462	\$6,052,505
USEPA I.D. No. IND006417430 Name: Rock Island Refining Corp.; Indianapolis, IN Refinery Address: 5000 West 86 Street; Indianapolis, IN 46268			Rock Island Refining Corporation was acquired by Marathon Petroleum Company on March 8, 1989. Closure and Post-Closure amounts are in the process of being determined.

Price Waterhouse



May 10, 1989

To the Board of Directors
and Management of
Marathon Oil Company

We have audited, in accordance with generally accepted auditing standards, the consolidated balance sheet of Marathon Oil Company (a wholly owned subsidiary of USX Corporation) and Subsidiaries as of December 31, 1988 and 1987 and the related consolidated statements of income, of shareholder's equity, and of cash flows for each of the three years in the period ended December 31, 1988 and have issued our report thereon dated February 7, 1989. We have not examined any financial statements of the Company as of any date or for any period subsequent to December 31, 1988, and we have not applied any other procedures except for those described in this report.

For the purpose of this report, we have applied agreed-upon procedures, described in the following paragraph, to certain information appearing in the Company's letter dated March 21, 1989 to comply with the financial requirements of Subpart H of 40 CFR, Parts 264 and 265.

Our procedures consisted of comparing the data in the letter from the chief financial officer of the Company in Alternative II, Items 5 and 6, with, except as described below, the information contained in the audited financial statements of the Company for the year ended December 31, 1988. With respect to tangible net worth at Item 5, we subtracted the dollar amount of intangible assets, obtained from the Company's accounting records, from the dollar amount of total assets, obtained from the audited financial statements of the Company, and further subtracted from the resulting amount the dollar amount of total liabilities obtained from the audited financial statements of the Company.

Because the procedures referred to in the preceding paragraph do not constitute an audit made in accordance with generally accepted auditing standards, we do not express an opinion on any of the items referred to above. In connection with the procedures referred to in the preceding paragraph, no matters came to our attention that caused us to believe that the items specified in this

May 10, 1989
To the Board of Directors
Page Two



report should be adjusted. This report relates only to the items specified in the preceding paragraph and, accordingly, we do not express an opinion, or any other form of assurance, on any other data appearing in the Company's letter.

It is understood that this report is solely for complying with the requirements described in the second paragraph of this report and should not be used for any other purposes.

Pricewaterhouse

CORPORATE GUARANTEE FOR CLOSURE AND/OR POST-CLOSURE CARE AND/OR
CORRECTIVE ACTION

Guarantee made this January 16, 1989 by Marathon Oil Company, a business corporation organized under the laws of the State of Ohio, herein referred to as guarantor, to the Texas Water Commission (TWC), obligee, on behalf of our subsidiary Marathon Petroleum Company of 539 South Main Street; Findlay, Ohio 45840.

Recitals

- (1) Guarantor meets or exceeds the financial test criteria and agrees to comply with the reporting requirements for guarantors as specified in 40 CFR 264.143(f), 264.145(f), 264.147(d), 265.143(e), and 265.145(e).
- (2) Marathon Petroleum Company owns or operates the following hazardous waste management facility(ies) covered by this guarantee: See attached.
- (3) "Closure plans" and "post-closure plans" as used below refer to the plans maintained as required by Subpart G of 40 CFR Parts 264 and 265 for the closure and post-closure care of facilities as identified above.
- (4) For value received from Marathon Petroleum Company, guarantor guarantees to TWC that in the event that Marathon Petroleum Company fails to perform closure and/or post-closure care at the above facility(ies) in accordance with the closure, post-closure care, or corrective action measures specified in the permit and other permit or interim status requirements whenever required to do so, the guarantor shall do so or fund the standby trust fund in the name of Marathon Petroleum Company in the amount of the current closure and/or post-closure care, or corrective action cost estimates as specified in Subpart H of 40 CFR Parts 264 and 265.
- (5) Guarantor agrees that if, at the end of any fiscal year before termination of this guarantee, the guarantor fails to meet the financial test criteria, guarantor shall send within 90 days, by certified mail, notice to the TWC Executive Director for the Region(s) in which the facility(ies) is (are) located and to Marathon Petroleum Company that he intends to provide alternative financial assurance as specified in Subpart H of 40 CFR Parts 264 and 265, as applicable, in the name of Marathon Petroleum Company. Within 120 days after the end of such fiscal year, the guarantor shall establish such financial assurance unless Marathon Petroleum Company has done so.
- (6) The guarantor agrees to notify the TWC Executive Director by certified mail, of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming guarantor as debtor, within 10 days after commencement of the proceeding.
- (7) Guarantor agrees that within 30 days after being notified by the TWC Executive Director of a determination that guarantor no longer meets the financial test criteria or that he is disallowed from continuing as a guarantor of closure and/or post-closure care, or corrective action, he shall establish alternate financial assurance as specified in Subpart H of 40 CFR Part 264 or 265, as applicable, in the name of Marathon Petroleum Company unless Marathon Petroleum Company has done so.

(8) Guarantor agrees to remain bound under this guarantee notwithstanding any or all of the following: Amendment or modification of the closure plan, post-closure care plan, or specified corrective action measures; amendment or modification of the permit; the extension or reduction of the time of performance of closure, post-closure care, or corrective action; or any other modification or alteration of an obligation of the owner or operator pursuant to 40 CFR Parts 264 or 265.

(9) Guarantor agrees to remain bound under this guarantee for so long as Marathon Petroleum Company must comply with the applicable financial assurance requirements of Subpart H of 40 CFR Parts 264 and 265 for the above-listed facilities, except that guarantor may cancel this guarantee by sending notice by certified mail to the TWC Executive Director for the Region(s) in which the facility(ies) is (are) located and to Marathon Petroleum Company, such cancellation to become effective no earlier than 120 days after receipt of such notice by both TWC and Marathon Petroleum Company, as evidenced by the return receipts.

(10) Guarantor agrees that if Marathon Petroleum Company fails to provide alternate financial assurance as specified in Subpart H of 40 CFR Parts 264 and 265, as applicable, and obtain written approval of such assurance from the TWC Executive Director within 90 days after a notice of cancellation by the guarantor is received by the TWC Executive Director from guarantor, guarantor shall provide such alternate financial assurance in the name of Marathon Petroleum Company.

(11) Guarantor expressly waives notice of acceptance of this guarantee by the TWC or by Marathon Petroleum Company. Guarantor also expressly waives notice of amendments or modifications of the closure and/or post-closure plan and of amendments or modifications of the facility permit(s).

I hereby certify that that wording of this guarantee is identical to the wording specified in 40 CFR 264.151(h) as such regulations were constituted on the date first above written.

Effective date: _____

Marathon Oil Company

Signed: _____

R. D. Cooley, Senior Vice President
Finance and Administration

Signature of witness or notary: _____

	<u>Closure Amount</u>	<u>Post-Closure Amount</u>	<u>Total</u>
2. USEPA I.D. No. TXD 008079501	\$ 78,150	\$0	\$ 78,150
Name: Marathon Petroleum Company; Texas City, TX Refinery			
Address: 1320 Loop 197 South; Texas City, TX 77592-1191			

LETTER FROM CHIEF FINANCIAL OFFICER

(Assurance of closure and/or post-closure care)

Director
Illinois Environmental Protection Agency
200 Churchill Road
Springfield, Illinois 62706

Dear Sir or Madam:

I am the chief financial officer of Marathon Oil Company; 539 South Main Street; Findlay, OH 45840

(1)

This letter is in support of this firm's use of the financial test to demonstrate financial assurance, as specified in Subpart H of 40 CFR Parts 264 and 265 and/or Subpart H of 35 Illinois Administrative Code Parts 724 and 725.

See Instruction (2)

1. This firm is the owner or operator of the following facilities for which financial assurance for closure and/or post-closure care is demonstrated through the financial test specified in Subpart H of 35 Ill. Adm. Code Parts 724 and 725. The current closure and/or post-closure cost estimates covered by the test are shown for each facility: (LIST ALL THE ILLINOIS FACILITIES USING THE FINANCIAL TEST)

USEPA I.D. No. (3)	Closure Amount (4)	Post-Closure Amount (5)	Closure and Post-Closure Amounts (6)
Name			
Address			
City			
USEPA I.D. No.			
Name			
Address			
City			

Please attach a separate page if more space is needed for all facilities.

2. This firm guarantees, through the corporate guarantee specified in Subpart H of 35 Ill. Adm. Code Parts 724 and 725, the closure and/or post-closure care of the following facilities owned or operated by subsidiaries of this firm. The current cost estimates for closure and/or post-closure care so guaranteed are shown for each facility: (LIST ALL THE ILLINOIS FACILITIES USING THE CORPORATE GUARANTEE)

USEPA I.D. No. (3)	Closure Amount (4)	Post-Closure Amount (5)	Closure and Post-Closure Amounts (6)
Name <u>Marathon Petroleum Company; Robinson, Illinois Refinery</u>			
Address <u>Refinery Office Building</u>	<u>\$1,912,043</u>	<u>\$4,140,462</u>	<u>\$6,052,505</u>
City <u>Robinson, Illinois 62454</u>			
USEPA I.D. No.			
Name			
Address			
City			

Please attach a separate page if more space is needed for all facilities.

This Agency is authorized to require this information under Illinois Revised Statutes, 1981, Chapter 111 1/2, Section 21(f). Disclosure of this information is required. Failure to do so may result in a civil penalty not to exceed \$25,000 per day of violation. Falsification of this information may constitute a Class 4 felony, which also carries a fine of up to \$25,000 per day of violation for the first offense. This form has been approved by the Forms Management Center.

3. For states other than Illinois this firm, as owner or operator or guarantor, is demonstrating financial assurance for the closure and/or post-closure care of the following facilities through the use of a test equivalent or substantially equivalent to the financial test specified in Subpart H of 40 CFR Parts 264 and 265. The current closure and/or post-closure cost estimates covered by such a test are shown for each facility: (LIST ALL FACILITIES WHICH ARE NOT IN ILLINOIS BUT ARE SUBJECT TO A STATE OR FEDERAL FINANCIAL ASSURANCE REQUIREMENT THAT ARE ASSURED BY A FINANCIAL TEST OR CORPORATE GUARANTEE)

<u>USEPA I.D. No.</u> (3)	<u>Closure Amount</u> (4)	<u>Post-Closure Amount</u> (5)	<u>Closure and Post-Closure Amounts</u> (6)
<u>Name</u> Marathon Petroleum Company; Garyville, LA Refinery			
<u>Address</u> R. No. 61	\$1,139,726	\$1,330,034	\$2,469,760
<u>City</u> Garyville, LA 70051			
<u>USEPA I.D. No.</u> GD-095-0981			

<u>Name</u> Marathon Petroleum Company; Garyville, LA Refinery			
<u>Address</u> R. No. 61	\$3,675,550	\$0	\$3,675,550
<u>City</u> Garyville, LA 70051			
See attached			

Please attach a separate page if more space is needed for all facilities.

4. This firm is the owner or operator of the following hazardous waste management facilities for which financial assurance for closure or, if a disposal facility, post-closure care, is NOT demonstrated either to IEPA, USEPA or a State through the financial test or any other financial assurance mechanism specified in Subpart H of 40 CFR Parts 264 and 265 or equivalent or substantially equivalent state mechanisms. The current closure and/or post-closure cost estimates not covered by such financial assurance are shown for each facility: (LIST FACILITIES IN RCRA AUTHORIZED STATES WHERE THERE IS NO STATE FINANCIAL ASSURANCE REQUIREMENT)

<u>USEPA I.D. No.</u> (3)	<u>Closure Amount</u> (4)	<u>Post-Closure Amount</u> (5)	<u>Closure and Post-Closure Amounts</u> (6)
<u>Name</u>			
<u>Address</u>			
<u>City</u>			
<u>USEPA I.D. No.</u>			
<u>Name</u>			
<u>Address</u>			
<u>City</u>			

Please attach a separate page if more space is needed for all facilities.

This firm is not required to file a Form 10K with the Securities and Exchange Commission (SEC) for the latest fiscal year.
(7)

The fiscal year of this firm ends on December 31st * The figures for the following items marked with an asterisk are derived from this firm's independently audited, year-end financial statements for the latest completed fiscal year, ended 1988
(8)

See Instruction (10) (Letter From Chief Financial Officer)

Alternative I

1. Sum of current closure and post-closure cost estimates (total of all cost estimates shown in the four paragraphs above) \$ _____
 - *2. Total liabilities (if any portion of the closure or post-closure cost estimates is included in total liabilities, you may deduct the amount of that portion from this line and add that amount to lines 3 and 4) \$ _____
 - *3. Tangible net worth \$ _____
 - *4. Net worth \$ _____
 - *5. Current assets \$ _____
 - *6. Current liabilities \$ _____
 7. Net working capital (line 5 minus line 6) \$ _____
 - *8. The sum of net income plus depreciation, depletion, and amortization \$ _____
 - *9. Total assets in U.S. (required only if less than 90% of firm's assets are located in the U.S.) \$ _____
-
- | | Yes | No |
|---|-------|--------|
| 10. Is line 3 at least \$10 million? | _____ | /_____ |
| 11. Is line 3 at least 6 times line 1? | _____ | /_____ |
| 12. Is line 7 at least 6 times line 1? | _____ | /_____ |
| *13. Are at least 90% of firm's assets located in the U.S.? | _____ | /_____ |
| If not, complete line 14. | | |
| 14. Is line 9 at least 6 times line 1? | _____ | /_____ |
| 15. Is line 2 divided by line 4 less than 2.0? | _____ | /_____ |
| 16. Is line 8 divided by line 2 greater than 0.1? | _____ | /_____ |
| 17. Is line 5 divided by line 6 greater than 1.5? | _____ | /_____ |

Signature _____

Typed name _____

Title _____

Date _____

See Instruction (10) (Letter From Chief Financial Officer)

Alternative II

1. Sum of current closure and post-closure cost estimates (total of all cost estimates shown in the four paragraphs above) \$ 12,275,965
 2. Current bond rating of most recent issuance of this firm and name of rating service Baa-Moody's
 3. Date of issuance of bond March 1, 1987
 4. Date of maturity of bond March 1, 1994
 - *5. Tangible net worth (if any portion of the closure and post-closure cost estimates is included in "total liabilities" on your firm's financial statements, you may add the amount of that portion to this line) \$ 3,217,264,000
 - *6. Total assets in U.S. (required only if less than 90% of firm's assets are located in the U.S.) \$ 6,697,000,000
- | | Yes | No |
|--|-----|----|
| 7. Is line 5 at least \$10 million? | X | / |
| 8. Is line 5 at least 6 times line 1? | X | / |
| *9. Are at least 90% of firm's assets located in the U.S.? | / | X |
| If not, complete line 10. | | |
| 10. Is line 6 at least 6 times line 1? | X | / |

Signature

Typed name

Title

Date

R. D. Cooley
R. D. Cooley

Sr. Vice President, Finance & Administration

March 21, 1989



	<u>Closure Amount</u>	<u>Post-Closure Amount</u>	<u>Closure and Post-Closure Amounts</u>
USEPA I.D. No. TXD 008079501			
Name Marathon Petroleum Company; Texas City, TX Refinery	\$78,150	\$0	\$78,150
Address 1320 Loop 197 South			
City Texas City, TX 77592-1191			
USEPA I.D. No. IND006417430			
Name Rock Island Refining Corp.; Indianapolis, IN Refinery			Rock Island Refining Corporation was acquired by Marathon Petroleum Company on March 8, 1989. Closure and Post-Closure amounts are in the process of being determined.
Address 5000 West 86 Street			
City Indianapolis, IN 46268			

CORPORATE GUARANTEE FOR CLOSURE AND/OR POST-CLOSURE CARE

Guarantee made this _____ by Marathon Oil Company, a business
(1) corporation organized under the laws of the State of Ohio, (2) herein referred to as guarantor, to the Illinois Environmental
Protection Agency (IEPA), obligee, on behalf of our subsidiary Marathon Petroleum Company
of 539 South Main Street, Findlay, Ohio 45840 (4)

(5)

Recitals

1. Guarantor meets or exceeds the financial test criteria and agrees to comply with the reporting requirements for guarantors as specified in 35 Illinois Administrative Code 724.243(f), 724.245(f), 725.243, and 725.245.
2. Marathon Petroleum Company (6) owns or operates the following hazardous waste management facility(ies) covered by this guarantee:

USEPA I.D. No. ILD 0005476882

(7)

Closure
Amount

(8)

Post-Closure
Amount

(9)

Closure and
Post-Closure
Amounts

(10)

Name Marathon Petroleum Company: Robinson Illinois Refinery

Address Refinery Office Building \$1,912,043 \$4,140,462 \$6,052,505

City Robinson, Illinois 62454

USEPA I.D. No. _____

(7)

Name _____

Address _____

City _____

Please attach a separate page if more space is needed for all facilities.

3. "Closure plans" and "post-closure plans" as used below refer to the plans maintained as required by Subpart G of 35 Illinois Administrative Code Parts 724 and 725 for the closure and/or post-closure care of facilities as identified above.
4. For value received from Marathon Petroleum Company, guarantor guarantees to IEPA that in the event that Marathon Petroleum Company (11) fails to perform closure and post-closure care (12) of the above facility(ies) in accordance with the closure and/or post-closure plans and other permit or interim status requirements whenever required to do so, the guarantor shall do so or establish a trust fund as specified in Subpart H of 35 Illinois Administrative Code Parts 724 and 725, as applicable, in the name of Marathon Petroleum Company (14) in the amount of the current closure and/or post-closure cost estimates as specified in Subpart H of 35 Illinois Administrative Code Parts 724 and 725.

5. Guarantor agrees that if, at the end of any fiscal year before termination of this guarantee, the guarantor fails to meet the financial test criteria, guarantor shall send within 90 days, by certified mail, notice to the IEPA Director and to Marathon Petroleum Company ⁽¹⁵⁾ that he intends to provide alternate financial assurance as specified in Subpart H of 35 Illinois Administrative Code Parts 724 and 725, as applicable, in the name of Marathon Petroleum Company ⁽¹⁶⁾. Within 120 days after the end of such fiscal year, the guarantor shall establish such financial assurance unless Marathon Petroleum Company ⁽¹⁷⁾ has done so.
6. The guarantor agrees to notify the IEPA Director by certified mail, of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming guarantor as debtor, within 10 days after commencement of the proceeding.
7. Guarantor agrees that within 30 days after being notified by the IEPA Director of a determination that guarantor no longer meets the financial test criteria or that he is disallowed from continuing as a guarantor of closure and/or post-closure care, he shall establish alternate financial assurance as specified in Subpart H of 35 Illinois Administrative Code Parts 724 and 725, as applicable, in the name of Marathon Petroleum Company ⁽¹⁸⁾ unless Marathon Petroleum Company ⁽¹⁹⁾ has done so.
8. Guarantor agrees to remain bound under this guarantee notwithstanding any or all of the following: amendment or modification of the closure and/or post-closure plan, amendment or modification of the permit, the extension or reduction of the time of performance of closure and/or post-closure, or any other modification or alteration of an obligation of the owner or operator pursuant to 35 Illinois Administrative Code Parts 724 and 725.
9. Guarantor agrees to remain bound under this guarantee for so long as Marathon Petroleum Company ⁽²⁰⁾ must comply with the applicable financial assurance requirements of Subpart H of 35 Illinois Administrative Code Parts 724 and 725 for the above listed facilities, except that guarantor may cancel this guarantee by sending notice by certified mail to the IEPA Director, such cancellation to become effective no earlier than 120 days after receipt of such notice by both IEPA and Marathon Petroleum Company ⁽²¹⁾ as evidenced by the return receipts.
10. Guarantor agrees that if Marathon Petroleum Company ⁽²²⁾ fails to provide alternate financial assurance as specified in Subpart H of 35 Illinois Administrative Code Parts 724 and 725, as applicable, and obtain written approval of such assurance from the IEPA Director within 90 days after a notice of cancellation by the guarantor is received by the IEPA Director from guarantor, guarantor shall provide such alternative financial assurance in the name of Marathon Petroleum Company ⁽²³⁾.
11. Guarantor expressly waives notice of acceptance of this guarantee by the IEPA Director or by Marathon Petroleum Company ⁽²⁴⁾. Guarantor also expressly waives notice of amendments or modifications of the closure and/or post-closure plan and of amendments or modifications of the facility permit(s).

Effective date:

January 1, 1989

Name of guarantor

Marathon Oil Company

Authorized signature for guarantor

Typed Name

Rex D. Cooley

Title

Sr. Vice President, Finance & Administration

Signature of witness ~~XXXX~~

Therese E. Lewis



MEETING ROSTER

PLACE CHICAGO, IL REGION V

[illegible]

SETTLEMENT CONFERENCE

NAME _____

DATE _____

SUBJECT _____

SUMMARY OF CONFERENCE

[illegible]

MEETING ROSTER

[illegible]

SETTLEMENT CONFERENCE

NAME _____

DATE _____

SUBJECT _____

SUMMARY OF CONFERENCE _____

MEETING ROSTER

PLACE REGION V, CHICAGO, ILLINOIS

[illegible]

SETTLEMENT CONFERENCE

NAME _____

DATE _____

SUBJECT _____

SUMMARY OF CONFERENCE _____

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

MEETING ROSTER

DATE February 10, 1989

PLACE Region V, Chicago, Illinois

[illegible]

SETTLEMENT CONFERENCE

NAME _____

DATE _____

SUBJECT _____

SUMMARY OF CONFERENCE _____

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry must be supported by appropriate documentation, such as receipts or invoices, to ensure transparency and accountability. This section also highlights the need for regular audits to identify any discrepancies or errors in the accounting process.

In addition, the document outlines the various methods used to collect and analyze financial data. These include direct observation, interviews with key personnel, and the use of specialized software tools designed for data management and analysis. By employing these techniques, the organization aims to gain a comprehensive understanding of its financial performance and identify areas for improvement.

Finally, the document concludes by stressing the significance of clear communication and collaboration among all stakeholders involved in the financial reporting process. Regular meetings and open lines of communication are essential for ensuring that everyone is up-to-date on the latest developments and can contribute effectively to the overall success of the organization's financial goals.

MEETING ROSTER

PLACE CHICAGO, ILLINOIS

[illegible]

SETTLEMENT CONFERENCE

NAME _____

DATE _____

SUBJECT _____

SUMMARY OF CONFERENCE _____

Re: d L. Andes
Att: ey



**Marathon
Oil Company**

Findlay, Ohio 45840
Telephone 419/422-2121

August 3, 1989

RECEIVED
AUG 9 1989

Mr. Marc M. Radell, Esq.
Office of Regional Counsel (5CS-TUB-3)
U.S. EPA (Region 5)
230 South Dearborn St.
Chicago, IL 60604

**OFFICE OF RCRA
WASTE MANAGEMENT DIVISION
EPA, REGION V**

Re: In the Matter of Rock Island Refining Corporation;
IND0006417430 (Docket Number V-W-88-R-038)

Dear Mr. Radell:

Enclosed, as per our telephone conversation today, are several EPA memoranda and letters clarifying the scope of the "wastewater treatment unit" permit exemption. I believe that the documents support our position that the Rock Island Refinery's API separators, tanks, and vacuum filter are not RCRA facilities.

Sincerely,

Ronald L. Andes (dkj)
Ronald L. Andes
Attorney

RLA/dkj

Enclosures

cc: Rich Herseman
U.S. EPA
RCRA Enforcement Branch
(5HR-12)
230 S. Dearborn St.
Chicago, IL 60604

LAWRLA/6/7

RECEIVED

1964

OFFICE OF THE
MANAGEMENT DIVISION
EPA REGION 1



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

RECEIVED

JUL 21 1987

WASTE MANAGEMENT
PROGRAM

JAN 2 1986

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

C. T. Philipp, P.E.
President
Water Management, Incorporated
2300 Highway 70 East
Hot Springs, Arkansas 71901

B₁

Dear Mr. Philipp:

In your letter of December 5, 1985 you requested that the Agency identify the Resource Conservation and Recovery Act (RCRA) status of sludge dryers that are part of a "conventional treatment system" not regulated by RCRA. You questioned whether adding a sludge dryer to a wastewater treatment unit exempted from RCRA permitting will jeopardize the exemption. The RCRA-Superfund Hotline correctly identified sludge drying for you as a treatment process according to the definition of treatment in 40 CFR §260.10. However, when sludge dryers meet the definition of wastewater treatment units, they qualify for the wastewater treatment exemption of §§264.1(g)(6), 265.1(c)(10), and 270.1(c)(2)(v). In your case, adding a sludge dryer to treat sludge generated by a treatment system operating under a wastewater treatment exemption does not subject the treatment system to RCRA permitting.

As you know, sludge dryers must meet the three criteria in the definition of wastewater treatment unit in order to be part of a wastewater treatment exclusion. First, the information you sent shows that your sludge dryer qualifies as a tank as defined in §260.10; that is, it is designed to contain hazardous waste and is constructed primarily of nonearthen materials that provide structural support. Furthermore, the Agency has clarified the definition of tank--for this exemption--to include unit operations such as presses, filters, sumps, and many other types of processing equipment. (See the attached memorandum dated July 31, 1981, from John Lehman to Region I.) In addition, the preamble of the November 17, 1980, proposed rule (45 FR 76077-76078) clarified the definition of a wastewater treatment unit as follows:

This definition...covers...the sludge digesters, thickeners, dryers and other sludge processing tanks... in which hazardous wastewater treatment sludge is treated; and any...tanks used for the storage of such sludge.

B₂

Second, the sludge dryer treats or stores a wastewater treatment sludge which is a hazardous waste as defined in §261.3 (i.e., the sludge itself is a listed waste, derived from treatment of a listed waste, or is hazardous on the basis of characteristics identified in §261 Subpart C). This means that the treatment of sludges generated from wastewater treatment units is also exempt from regulation under the RCRA treatment standards.

Tanks (here a sludge dryer) that do not themselves have any discharge subject to regulation under Sections 402 or 307(b) of the Clean Water Act, but that are part of the wastewater treatment system, qualify for the exemption if other tanks in the treatment train have discharges that are subject to these Clean Water Act provisions. So the third condition, being part of a wastewater treatment unit subject to regulation under Section 402 or 307(b) of the Clean Water Act, can be met by sludge dryers in certain circumstances. However, as the November 17, 1980 preamble stated (45 FR 76077), even the proposed regulations...."may not provide adequate environmental protection where treatment of the hazardous wastewater tends to result in the escape of hazardous waste constituents into the atmosphere (e.g., the treatment of highly toxic volatile wastes in open tanks)." Unless the Administrator promulgates regulations covering wastewater treatment units, wastewater treatment tanks that qualify for exemption under current RCRA standards may volatilize their contents and retain the exemption.

Sludge dryers may be used as part of a program to meet the waste minimization requirements of Section 3002(b) of RCRA without requiring permitting if the above conditions are met. Of course, although exempted from permitting requirements in the wastewater treatment units, any hazardous waste sludge that is removed from the tanks is subject to applicable regulations under §§260-266, such as manifesting off site, permitted storage after 90 days, and so on. If you have any additional questions regarding this exemption for wastewater treatment units, please do not hesitate to call Irene Horner at 202-382-7917.

Sincerely yours,

J. Winston Porter
Assistant Administrator

Enclosure

DEC 24 1985

OSWER Directive # 9503.51-1A(85)

MEMORANDUM

SUBJECT: RD&D Permit for a Sludge Drying Process in a Wastewater System

FROM: Marcia E. Williams, Director *Marcia Williams*
Office of Solid Waste (WH-562)

TO: Allyn M. Davis, Director
Hazardous Waste Management Division (6H)
Region VI

In your letter of November 15, 1985, you requested written confirmation that the use of a sludge drying unit, manufactured by Water Management, Inc., at facilities with a wastewater treatment unit, would not jeopardize their exemption from RCRA permitting. The sludge dryer is intended to further reduce the volume of sludge requiring disposal.

If the sludge drying unit is a tank, as stated in your letter, then persons who are currently exempt from RCRA permit requirements under 40 CFR §270.1(c)(2)(v) because they have a wastewater treatment unit, will continue to be exempt from RCRA permitting if they use this sludge dryer. The Agency has clarified the definition of "tank", for the purposes of the wastewater treatment unit definition in §260.10, to cover unit operations which are not obviously tanks such as presses, filters, sumps, and many other types of processing equipment. (See attached memorandum dated July 31, 1981 from John Lehman to Richard Boynton, "Suspension of Regulations for Wastewater Treatment Units.")

I understand that the intent of the sludge dryer is to assist metal finishing industries, who have wastewater treatment units, to meet the waste minimization requirements of the new RCRA §3002(b). You should advise Water Management, Inc. that although their potential clients will continue to be exempt from RCRA permit requirements, their clients must comply with the RCRA manifest requirements of 40 CFR Part 262 for generators. Also, they must comply with 40 CFR Parts 261-263, as appropriate. The clients will need to sign the RCRA manifest for off-site shipments of the residue resulting from the use of the sludge dryer, including the waste-minimization certification statement on the revised Uniform Hazardous Waste Manifest Form (see 50 FR 28744-46, July 15, 1985).

The client must also submit a biennial report to the Regional Administrator which includes a description of the efforts undertaken to reduce the volume and toxicity, as well as a description of the change in volume and toxicity of the wastewater actually achieved during the year, by comparing it to previous years (5262.41, 50 FR 28746, July 15, 1985).

Since the sludge drying unit is intended for use by persons with wastewater treatment units, and the facilities with these units are exempt from RCRA permitting, it is unclear why Water Management, Inc. wants a research, development, and demonstration permit to test the unit. You should discuss this issue with Water Management, Inc. to determine if you should spend the resources on processing their permit application.

If your staff has any further questions on this matter, please have them contact Nancy Pomerleau at (PTS) 382-4500.

Attachment

cc: Bruce Weddle
Jack Lehman (WH-565)
Irene Horner (WH-565A)
Ken Gray (LE-132S)
Peter Guerrero
Art Glazer
Nancy Pomerleau
Tina Parker (WH-562)
William Rhea, Region 6
Hazardous Waste Division Directors, Regions I-X

MAY 22 1984

MEMORANDUM

SUBJECT: Definition of "Wastewater Treatment Unit"

FROM: Donald C. White, P.E.,
Program Manager, Treatment Alternatives Program
Waste Treatment Branch (WH-565A)

TO: Jonathan Josephs, Chemical Engineer
New York Hazardous Waste Section, RD (2AWH-SW)

This memo is written in response to our telephone conversations, and your subsequent memo dated March 20, 1984, about the tank that is used to store a wastewater treatment sludge from leachate at the Love Canal site. I regret the delay in responding to your request for clarification of the eligibility of this tank for the "wastewater treatment exemption" under RCRA. As you must realize, it was essential to formulate a definitive answer and to obtain concurrence within OSWER and OGC on this matter.

According to Sections 264.1(g)(6) and 265.1(c)(1)(i) of Title 40 of the CFR, the RCRA requirements of Parts 264 and 265 "do not apply to the owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in Section 260.10 of this Chapter." The unit in question would have to meet the definition of a wastewater treatment unit as specified in Section 260.10. According to this definition, a device is a wastewater treatment unit if it meets three requirements. For the tank in question, the relevant parts of these requirements are:

- (1) It must be part of a wastewater treatment facility that is subject to regulation under Section 402 or Section 307(b) of the Clean Water Act;
- (2) It must....generate and accumulate....or treat or store a wastewater treatment sludge that is a hazardous waste; and
- (3) It must meet the definition of a tank.

The definition of "wastewater treatment unit" has been interpreted to cover wastewater treatment systems which (1) produce a treated wastewater effluent that is discharged into surface waters or into a POTW sewer system, and that is therefore subject to the NPDES or pretreatment requirements of the Clean Water Act, or (2) produce no effluent as a direct result of such requirements. Therefore, a tank that is a wastewater treatment unit that does not discharge an effluent is eligible for the wastewater treatment exemption since if an effluent were discharged, it would be subject to regulation under the Clean Water Act.

It is my conclusion, therefore, that the tank in question --as described in our telephone conversations and in your memo of March 20, 1984 --is indeed a wastewater treatment unit according to the definition in Section 260.10, and that it qualifies for the "wastewater treatment exemption" of Sections 264.1(g)(6) and 265.1(c)(10). This conclusion has been supported by discussions within OSWER and with OGC.

cc: Alfred Lindsey (WH-5654)
Mark Greenwood (LE-132S)
Kenneth Gray (LE-132A)
John Thompson (RCRA Hotline)

JUL 31 1981

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

E₁

Richard C. Boynton, Chief
Permits Development Section
U.S. Environmental Protection Agency
John F. Kennedy Building
Boston, Massachusetts 02203

Re: Suspension of Regulations for Wastewater Treatment Units

Dear Mr. Boynton:

This letter responds to your recent request for an interpretation of the regulations of November 17, 1980 (45 FR 76074) which suspended certain requirements of the hazardous waste regulations for owners and operators of wastewater treatment units where such facilities are subject to regulation under Section 402(b) of the Clean Water Act.

Your letter is correct in stating that there is nothing in the definitions, preamble, or regulations which precludes an off-site hazardous waste management facility from qualifying for a suspension of the hazardous waste requirements in 40 CFR Parts 122, 264 and 265. The Agency considered limiting the suspension and proposed amendments to on-site facilities but was unable to justify that this type of facility was inherently less hazardous than an off-site facility so as to necessitate different standards. Accordingly, EPA does not intend to distinguish between on-site and off-site facilities in this regulation.

Even under the terms of the suspension, hazardous waste shipped to an off-site facility will, of course, be subject to the manifest requirements. In addition, the treatment facility must be subject to regulation under either Section 402 or 307(b) of the Clean Water Act.

To be completely exempted for now (and ultimately subjected to the permit by rule) all units in a facility must meet the definition of "tank" in §260.10. Lagoons, incinerators, and other types of facilities are not eligible. It is, however, true that the definition of "tank" is rather broad, covering unit operations which are not obviously tanks such as presses, filters, sumps, and many other types of processing equipment.

The Agency also intends that the phrase "subject to regulation under either Section 402 or 307(b) of the Clean Water Act" should be given a broad interpretation. This phrase includes all facilities that are subject to NPDES permits and encompasses facilities subject to either categorical pretreatment standards or general pretreatment standards. It is not necessary that the permits actually be issued or that pretreatment standards actually be in force. It is sufficient that the facility be subject to the requirements of the Clean Water Act.

It should be noted that eligible facilities may in fact be treating "wastewaters" and not chemicals or non aqueous wastes. While we have not promulgated a formal definition, we are interpreting the term to refer to wastewaters which are substantially water with contaminants amounting to a few percent at most. It has been suggested that a formal definition would be helpful. We are considering adding such a definition to the final promulgation. E2

Public comments on the November 17, 1980 proposal also noted that some wastewater treatment units do not discharge a liquid stream and thus are not subject to the Clean Water Act. EPA is considering changing this "subject to" language to include such into discharge facilities. We expect to finalize the proposed regulations for wastewater treatment units and elementary neutralization units within the next few months.

If you have any further questions, please do not hesitate to call me or Fred Lindsey, the Deputy Division Director at 713 755-9135.

Sincerely yours,



John P. Lehman, Director
Hazardous & Industrial Waste Division

cc: Dennis Neubauer
EPA, Region I

Ernest Ragna
EPA Region II

Robert L. Allen
EPA Region III

James Scarbrough
EPA Region IV

Karl J. Klapitzsch
EPA Region V

R. Stan Jorgensen
EPA Region VI

Robert L. Morby
EPA Region VII

Lawrence P. Garcia
EPA Region VIII

Arnold R. Dan
EPA Region IX

Kenneth D. Feiguer
EPA Region X

FEB 28 1989

5HR-12

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. William Laque
Rock Island Refining Corporation
5000 West 86th Street
Indianapolis, Indiana 46268

Re: Land Disposal Restriction
Rock Island Refining Corporation
Indianapolis, Indiana
IND 006 417 430

Dear Mr. Laque:

On December 19, 1988, an inspection was conducted at your facility located at 5000 West 86th Street in Indianapolis, Indiana. This inspection was performed by a member of the Indiana Department of Environmental Management (IDEM) as an authorized representative of the United States Environmental Protection Agency (U.S. EPA). The purpose of the inspection was to evaluate the compliance of your facility with the F-Solvent, California List, and First Third Land Disposal Restriction requirements of Subtitle C of the Resource Conservation and Recovery Act (RCRA) of 1976, as amended.

As a result of the inspection, it has been determined that your facility is in compliance with these specific regulations. Compliance with this portion of RCRA does not limit the applicability of other provisions of RCRA regulations.

Please contact Mr. Rick Hersemann of my staff at (312) 886-7567, if you have any questions.

Sincerely yours,

Joseph M. Boyle, Chief
IL/IN Technical Enforcement Section

cc: Jim Hunt, IDEM
Dennis Zawodni, IDEM

5HR-12 Rick:lr:2/27/89:Laque

	TYP.	AUTH.	IL/IN TECH. ENF. SEC.	MI/WI TECH. ENF. SEC.	OH/MN TECH. ENF. SEC.	IL/MI/WI ENF. PROG. SECTION	RI/MN/OH ENF. PROG. SECTION	RCRA ENF. DR. CHIEF	O.R. A.D.D.	WMD DIR
INIT. DATE	<i>AL</i> 2/28/89	<i>RH</i> 2/28/89	<i>JMB</i> 2/28/89							

R. Hersemann:5HR-12;USEPA,230 S. Dearborn, Chgo, IL. 60604

P 962 886 952

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to William Laque	
Rock Island Refining Corp.	
5000 West 86th Street	
Indianapolis, Indiana	
46268	
Postage	\$ 2.00
Certified Fee	
Special Delivery Fee	85
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	90
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	2.85
Postmark or Date	

PS Form 3800, June 1985

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Mr. Rick Hersemann (5HR-12)

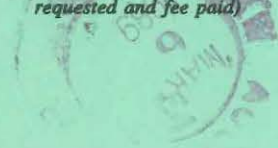
UNITED STATES OF AMERICA
ENVIRONMENTAL PROTECTION AGENCY
230 S. DEARBORN
CHICAGO IL 60604



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1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to: Mr. William Laque Rock Island Refining Corporation 5000 West 86th Street Indianapolis, Indiana 46268	4. Article Number P 962 886 952 Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise Always obtain signature of addressee or agent and <u>DATE DELIVERED</u> .
5. Signature — Address X <i>Walter K. Kumer</i>	8. Addressee's Address (ONLY if requested and fee paid) 
6. Signature — Agent X <i>WR</i>	
7. Date of Delivery 6861 3/6	

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- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE
USE, \$300

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TO



Print Sender's name, address, and ZIP Code in the space below.

Mr. Rick Hersemann (5HR-12)

UNITED STATES OF AMERICA
ENVIRONMENTAL PROTECTION AGENCY
230 S. DEARBORN
CHICAGO IL 60604

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1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

George W. Pendencygraft, Esq.
Pendencygraft & Plews
1346 North Delaware Street
Indianapolis, Indiana 46202

4. Article Number

P 298 721 517

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature - Address

X *Betty Clark*

6. Signature - Agent

X

7. Date of Delivery

8. Addressee's Address (ONLY if requested and fee paid)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

APR 10 1989

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:
5CS-TUB-3

George W. Pendygraft, Esq.
Pendygraft & Plews
1346 North Delaware Street
Indianapolis, Indiana 46202-2415

Re: Consent Agreement and
Final Order
Rock Island Refining
Corporation
Docket No. V-W-88-R-038

Dear Mr. Pendygraft:

I have enclosed herewith a draft Consent Agreement and Final Order (CAFO) which you requested at your February 22, 1989, informal settlement conference. The format of the draft CAFO outlines the United States Environmental Protection Agency's (U.S. EPA) position in the above referenced matter and serves as a starting point in negotiating a final CAFO. The U.S. EPA looks forward to your response to the draft CAFO and the submittal of any documentation which indicates compliance with the order therein.

Sincerely yours,

Marc M. Radell
Assistant Regional Counsel

Enclosure

cc: William Laque, Rock Island Refining Corporation
Dennis Zawodni, IDEM

RECEIVED
JAN 9 1989
OFFICE OF RCRA
WASTE MANAGEMENT DIVISION
EPA REGION V

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:

ROCK ISLAND REFINING
CORPORATION,
5000 W. 86TH STREET
INDIANAPOLIS, IN 46268
IND 006417430

)
)
)
) DOCKET NO. V-W-88R-U38
)
)
)

MOTION FOR EXTENSION OF TIME

Respondent Rock Island Refinery Corporation, Inc. ("Rock Island") respectfully requests that the Administrative Law Judge extend the time allowed for the filing of witness and exhibit lists, and views as to where the hearing shall be held, by fourteen (14) days, to and including January 19, 1989, on the grounds that:

1. The parties believe that a settlement is possible. The next settlement conference is scheduled for January 19, 1989.

2. A death in the family the senior attorney representing Respondent in this case occurred on January 3, 1989, and as a result Respondent has had insufficient time to prepare the Witness and Exhibits Lists.

3. Allowing additional time will serve to create a more efficient litigation, should a hearing be necessary.

4. Respondent has conferred with counsel for the

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WASHINGTON, D.C.

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FROM: SAC, NEW YORK
SUBJECT: [Illegible]

NY 100-100000

ALL INFORMATION CONTAINED
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DATE 10-10-01 BY 60322
REASON: 25X

RE: [Illegible]

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[Illegible text block, likely a signature or footer.]

Petitioner on this Motion and Petitioner does not object.

Respectfully submitted,

PENDYGRAFT & PLEWS

By George W. Pendygraft by sas
George W. Pendygraft

George W. Pendygraft
George M. Plews
Sue A. Shadley
1346 North Delaware Street
Indianapolis, IN 46202
(317) 637-0700

Attorneys for respondent
Rock Island Refining Corporation

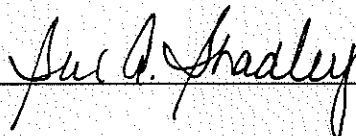
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served by placing a copy of same in the United States mail, postage prepaid, this 5th day of January, 1989 addressed to the following parties:

Ms. Beverly Shorty
Regional Hearing Clerk (5MF-14)
United States Environmental Protection Agency
230 South Dearborn Street
Chicago, Illinois 60604

Marc M. Radell, Esq.
Office of Regional Counsel (5CS-TUB-3)
United States Environmental Protection Agency
230 South Dearborn Street
Chicago, Illinois 60604

Rick Hersemann
Waste Management Division
United States Environmental Protection Agency
230 South Dearborn Street
Chicago, Illinois 60604



ADMINISTRATIVE

The following party certified that a copy of the
document was received by placing a copy of paper in the United States
mail, postage prepaid, this 1st day of January, 1955 addressed to
the following parties:

Mr. Beverly Brown
Federal Bureau of Investigation
100 North Dearborn Street
Chicago, Illinois 60604

Mr. J. Edgar Hoover
Director of Federal Bureau of Investigation
100 North Dearborn Street
Chicago, Illinois 60604

Miss Mary Brown
Federal Bureau of Investigation
100 North Dearborn Street
Chicago, Illinois 60604

J. Edgar Hoover

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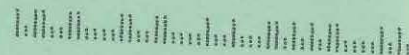
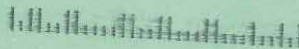
RETURN
TO



U.S. Environmental Protection Agency
Region V
230 South Dearborn
Chicago, Illinois 60604



PENALTY FOR PRIVATE
USE, \$300



PS Form 3811, July 1983 447-845

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3. Article Addressed to: JUDGE YOST US EPA 345 Courtland Atlanta, GA	
4. Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Certified <input type="checkbox"/> Express Mail	<input type="checkbox"/> Insured <input type="checkbox"/> COD Article Number 577 052 723
Always obtain signature of addressee <u>or</u> agent and DATE DELIVERED:	
5. Signature — Addressee X <i>Charles Darrow</i>	
6. Signature — Agent X	
7. Date of Delivery MAY 17 1990	
8. Addressee's Address (<i>ONLY if requested and fee paid</i>)	

DOMESTIC RETURN RECEIPT

PENDYGRAFT & PLEWS

1346 NORTH DELAWARE STREET
INDIANAPOLIS, INDIANA 46202-2415
317-637-0700
FAX 317-637-0710

SUE A. SHADLEY
317-637-0704

December 22, 1988

The Honorable Thomas B. Yost
U.S. Environmental Protection Agency
345 Courtland Street
Atlanta, GA 30365

RECEIVED
DEC 27 1988
OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V

RE: Rock Island Refining Corporation,
Docket No. V-W-88-038:
Motion to Extend Time

Dear Judge Yost:

By this letter, I am confirming our conversations of December 22, 1988 concerning our Motion To Extend Time in which to file Witness and Exhibit Lists, and views as to where the hearing shall be held. It is our understanding that you will grant this Motion upon receipt in written form, pursuant to §22-16 of the Consolidated Rules of Practice. We further understand that this Motion can be filed by U.S. Mail, and that you will consider the Motion as being timely filed.

Thank you for your consideration in this matter.

Sincerely,


Sue A. Shadley

JC/mtb

Enclosures

cc: George Pendygraft
Jeff Claflin
Ms. Beverly Shorty
Marc M. Radell, Esq.
Rick Hersemann

RECEIVED

U.S. DEPARTMENT OF JUSTICE

ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

October 11, 1978

Mr. J. Edgar Hoover
Federal Bureau of Investigation
Washington, D.C. 20535

Enclosed is a copy of a letterhead memorandum (LHM) dated and captioned as above.

The LHM was prepared by the Environmental Protection Agency, Office of the Assistant Administrator, and is being furnished to you for your information and guidance.

Very truly yours,
William M. Ruckelshaus
Administrator

cc: Mr. J. Edgar Hoover, FBI

By this letter, I am enclosing and transmitting to you a copy of a letterhead memorandum (LHM) dated and captioned as above. The LHM was prepared by the Environmental Protection Agency, Office of the Assistant Administrator, and is being furnished to you for your information and guidance. It is our understanding that you will grant this action upon receipt of the LHM, pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and that you will consider the action as being timely filed.

Thank you for your consideration in this matter.

Sincerely,
William M. Ruckelshaus

George B. Brown
John D. Smith
J. Edgar Hoover
William M. Ruckelshaus
Jack Harbo

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:

ROCK ISLAND REFINING
CORPORATION,
5000 W. 86TH STREET
INDIANAPOLIS, IN 46268
IND 006417430

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)
)
) DOCKET NO. V-W-88R-U38
)
)
)

DEC 22, 1988

MOTION FOR EXTENSION OF TIME

Respondent Rock Island Refinery Corporation, Inc. ("Rock Island") respectfully requests that the Administrative Law Judge extend the time allowed for the filing of witness and exhibit lists, and views as to where the hearing shall be held, by fourteen (14) days, to and including January 5, 1989, on the grounds that:

1. The parties believe that a settlement is possible. The next settlement conference is scheduled for January 5, 1989.

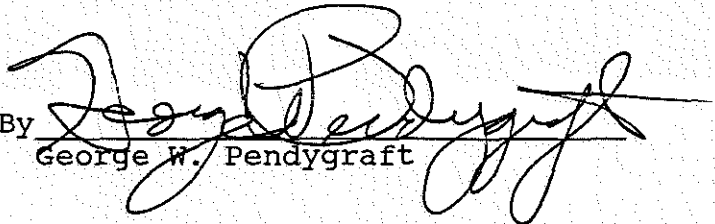
2. The senior attorney representing Respondent in this case is involved in a trial before the Northern District Court of Indiana (such trial having run from December 5 through December 16, and scheduled to begin again December 27) and has had insufficient time to prepare the Witness and Exhibits Lists.

3. Allowing additional time will serve to create a more efficient litigation, should a hearing be necessary.

4. Respondent has conferred with counsel for the
Petitioner on this Motion and Petitioner does not object.

Respectfully submitted,

PENDYGRAFT & PLEWS

By 
George W. Pendygraft

George W. Pendygraft
George M. Plews
Sue A. Shadley
1346 North Delaware Street
Indianapolis, IN 46202
(317) 637-0700

Attorneys for respondent
Rock Island Refining Corporation

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the
foregoing was served by placing a copy of same in the United States
mail, postage prepaid, this 22nd day of December 1988 addressed
to the following parties:

Ms. Beverly Shorty
Regional Hearing Clerk (5MF-14)
United States Environmental Protection Agency
230 South Dearborn Street
Chicago, Illinois 60604

Marc M. Radell, Esq.
Office of Regional Counsel (5CS-TUB-3)
United States Environmental Protection Agency
230 South Dearborn Street
Chicago, Illinois 60604

1. Respondents are requested to return completed form for the

completion of this section and completion does not affect.

2. If the respondent is deceased, the respondent should be marked.

3. If the respondent is deceased, the respondent should be marked.

[Handwritten signature]
George A. Hendrick

4. If the respondent is deceased, the respondent should be marked.

5. If the respondent is deceased, the respondent should be marked.

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23. If the respondent is deceased, the respondent should be marked.

24. If the respondent is deceased, the respondent should be marked.

25. If the respondent is deceased, the respondent should be marked.

Rick Hersemann
Waste Management Division
United States Environmental Protection Agency
230 South Dearborn Street
Chicago, Illinois 60604

Sue A. Snadley

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION V

RECEIVED
NOV 1 1988
OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V

IN THE MATTER OF:

ROCK ISLAND REFINING
CORPORATION,
5000 W. 86TH STREET
INDIANAPOLIS, IN 46268
IND 006417430

)
)
)
) DOCKET NO. V-W-88R-U38
)
)
)

dated OCT 28 1988

ANSWER OF RESPONDENT
ROCK ISLAND REFINING CORPORATION
AND REQUEST FOR HEARING

Respondent, Rock Island Refining Corporation (Rock Island), answers the Complaint, Findings of Violation and Compliance Order of the United States Environmental Protection Agency ("EPA") as follows:

First Defense

1. Rock Island admits that it is a person as defined by Section 1004(15) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §6903(15), and 320 IAC 4.1-1-7, and further admits that it owns and operates a petroleum refinery at 5000 West 86th Street, Indianapolis, Indiana, which generates hazardous waste. Rock Island denies that it has disposed, or now disposes of, RCRA hazardous waste at its refinery. Further, because representatives of the Indiana Department of Environmental Management ("IDEM") have informed Rock Island that its treatment and storage facilities are excluded RCRA units and not subject to the RCRA hazardous waste requirements, Rock Island denies that it has treated or stored, or now treats or stores, RCRA hazardous waste at its refinery. Rock Island does admit that it is an

Indiana corporation whose registered agent is William E. Huff, 5000 West 86th Street, Indianapolis, Indiana 46268.

2-5. Rock Island admits the contentions in these paragraphs of the Findings of Violation only to the extent that they properly state the applicable Indiana law.

6. Rock Island admits that it timely notified EPA of activities at its refinery that might be considered to be subject to RCRA, but Rock Island denies that it treats, stores or disposes of RCRA hazardous waste at the refinery. See answer to paragraph 1 of the Findings of Violation. Rock Island also admits that a Part A application was submitted for a RCRA permit in connection with its refinery on or about November 18, 1980, and that the Part A application submitted on or about that date identified hazardous waste management processes at the refinery as consisting of storage in tanks, disposal in land application areas, treatment in tanks, treatment by incineration and treatment by use of vacuum filtration. Rock Island specifically denies, however, that it has operated at the refinery a RCRA land application disposal unit or has owned or operated an incinerator subject to the RCRA requirements and further states that it has been informed, and believes itself, that the storage and treatment units at its refinery are excluded from regulation under RCRA. See answer to paragraph 1 of the Findings of Violation.

(a) Rock Island admits that it generates slop oil emulsion, solids from its petroleum operations that are characterized as listed hazardous waste K049, but denies that it

treats, stores or disposes of such hazardous waste at the refinery.

(b) Rock Island admits that from time to time heat exchanger bundle cleaning sludge characterized as hazardous waste K050 is removed from facilities at the refinery, but denies that such hazardous wastes are subject to the RCRA requirements as they are specifically excluded from regulation.

(c) Rock Island admits that it generates API separator sludge characterized as listed hazardous waste K051 at the refinery, but denies that it stores, treats or disposes of such sludge there and, further, states that it has not disposed of such sludge in land application areas at the refinery. Rock Island is not properly considered a storer or treater of hazardous waste. See answer to paragraph 1 of the Findings of Violation.

(d) Rock Island admits that tank bottoms characterized upon removal from tanks as listed hazardous waste K052 may exist in tanks at the refinery but states that such tank bottoms, upon removal from tanks, have not been stored, treated or disposed of on-site but have been transported offsite for disposal at a RCRA disposal facility.

7. Rock Island admits that it sought interim status for hazardous waste tank storage, land application areas and treatment processes at the refinery, but states that it never operated any such land application unit on or after November 19, 1980. In addition, Rock Island has been informed by IDEM representatives that the storage and treatment units at the refinery are excluded from regulation under the RCRA requirements.

8. Rock Island admits that its Part A application, submitted on or about November 19, 1980, did describe the existence of two surface impoundments at the refinery referred to generally as basic sediments and water ponds ("BS&W ponds"). Rock Island denies that the Part A application reported materials in the BS&W ponds to include one or more of the specifically listed hazardous wastes, K049, K050, K051 and K052. Rock Island did state in the Part A application that it had no documentation to support that any such listed hazardous waste had been placed in those BS&W ponds. Rock Island further stated, however, that it could not rule out the possibility that de minimis quantities of such materials could have been placed in the BS&W ponds prior to November 19, 1980. No RCRA hazardous waste materials were placed in the BS&W ponds on or after November 19, 1980, and the materials in the BS&W ponds, upon testing, were not found to be characteristically hazardous wastes (40 CFR, Part 261, Subpart C). On the basis of these facts, Rock Island denies that the BS&W ponds are hazardous waste facilities by application of 320 IAC 4.1-3-3(a)(2)(iv).

Rock Island did not include a process code for the BS&W ponds in its Part A application as none was required. Furthermore, Rock Island contends that it did not store or treat hazardous waste in the BS&W ponds on or after November 19, 1980, inasmuch as no hazardous wastes were placed in the BS&W ponds on or before November 19, 1980, and no such wastes were placed therein after that date. Rock Island admits that the BS&W pond materials were removed on or after November 19, 1980 and were placed on tank dike

bottoms in accordance with construction and operating permits issued by IDEM or its predecessor.

9-10. Rock Island admits paragraphs 9 and 10 of the Findings of Violation.

11. Rock Island admits that aqueous condensate from storage tanks, process water and oil-laden waters (slop oil emulsions) at the refinery are collected and conveyed by the refinery's oily water sewer system to two API separators, where the incoming oily materials by physical means are separated into oil, water and sludge. Rock Island also admits that the oil is pumped to oil recovery units and then is recovered in a crude oil unit. Rock Island further admits that the non-RCRA hazardous wastewater from the API separators is pumped to a series of six aeration ponds where it is treated and discharged. Rock Island denies that the aeration ponds are unlined because the ponds do have in-situ clay liners, and Rock Island further denies that the discharge from the aeration ponds is made pursuant to an NPDES permit, inasmuch as the discharge is made to the sewer system for the City of Indianapolis, Indiana.

12. Rock Island admits that API separator sludge (K051) and slop oil emulsion solids (K049) removed from the refinery's API separators are conveyed to the vacuum filtration system (Oliver Vacuum Filter) where the volume of sludge is reduced concomitant to a beneficial reclamation of oil from that sludge material. Rock Island also admits that the Oliver Vacuum Filter generates a filter cake which was the subject of a delisting petition filed by Rock

Island, and further states that such filter cake was granted a temporary delisting which EPA itself has admitted to be effective through November 8, 1986. Rock Island has filed a petition with EPA seeking review with respect to that delisting petition, but to date has been afforded neither notice nor opportunity for hearing with respect to the matter.

Rock Island admits that, as a result of the beneficial reclamation of the oil from the API separator sludge and slop oil emulsions, wastewater generated in the Oliver Vacuum Filter is returned to the refinery's wastewater sewer system. Oil beneficially reclaimed from the Oliver Vacuum Filter is returned for further processing at the refinery. Based on the above facts, Rock Island specifically denies that the liquid waste generated by the Oliver Vacuum Filter is a hazardous waste by application of 320 IAC 4.1-3-3(c)(2)(i).

13. Rock Island admits that the liquid wastewater generated from the Oliver Vacuum Filter is pumped back to the refinery's wastewater sewer system and ultimately enters the API wastewater treatment separators at the refinery for further treatment. Rock Island denies that all materials treated in the API separators are hazardous wastes by application of 320 IAC 4.1-3-3(b)(2).

14. Rock Island denies that the water generated in the API separators is a hazardous waste by application of 320 IAC 4.1-3-3(b)(2). Rock Island further denies that the six aeration ponds, which treat wastewaters discharged from the API separators,

are hazardous waste surface impoundments inasmuch as they receive no RCRA hazardous waste. Rock Island admits that it did not describe hazardous waste management process codes and design capacities for the six aeration ponds in its Part A application as it was not required to do so by 40 C.F.R. § 270.13 or other applicable state or federal hazardous waste management requirements. Rock Island denies that on or after November 19, 1980 it stored and treated hazardous waste in the six aeration ponds that are a part of its wastewater treatment system at the refinery.

15. Rock Island admits that it did not seek interim status for operation of the BS&W ponds or the aeration ponds as hazardous waste surface impoundments because the BS&W and aeration ponds are not and have not been operated as hazardous waste surface impoundments and have not received RCRA hazardous waste subjecting those facilities to the RCRA hazardous waste management program requirements.

16. Rock Island admits that it submitted a Part B application for a RCRA permit on or about February 28, 1985 for certain units at the refinery, and that the Part B application described a storage of hazardous waste in tanks and the treatment of hazardous waste in tanks and the Oliver Vacuum Filter. Notwithstanding, as discussed above, Rock Island has been informed by IDEM representatives, and now believes, that such storage and treatment facilities are not subject to the RCRA hazardous waste management program requirements.

Rock Island admits that the Part B application it submitted on or about February 28, 1985 did not describe the BS&W ponds, the aeration ponds, the land application areas or any waste piles. Nonetheless, Rock Island contended then, and contends now, that any such facilities had not received RCRA hazardous waste and are not subject to the RCRA hazardous waste management requirements. Rock Island admits that it received notification from EPA as to certain deficiencies alleged with respect to its Part B application submission, including deficiencies alleged regarding the aeration ponds, BS&W ponds and land application areas.

17. Rock Island admits that 320 IAC 4.1-20-1 through 4.1-20-5 requires the owners and operators of surface impoundments and land application areas that are used to manage RCRA hazardous wastes to implement a groundwater monitoring program. Rock Island states that the aeration ponds, BS&W ponds and land application areas are not subject to the RCRA hazardous waste management requirements and, thus, no groundwater monitoring program is required for the aeration ponds, BS&W ponds and land application areas. Notwithstanding, and without waiver of any of its legal rights, including defenses to this action, Rock Island states that it has implemented a groundwater monitoring program, while not required to do so, that complies with the requirements of 320 IAC 4.1-20-1 through 4.1-20-5.

18. Rock Island admits paragraph 18 of the Findings of Violation.

19. Rock Island admits that it has not submitted a Part B permit application to EPA for the aeration ponds, the BS&W ponds or the land application areas because such facilities are not subject to the RCRA hazardous waste management requirements. Rock Island also admits that it has not certified compliance with applicable groundwater monitoring and financial responsibility requirements by November 8, 1985 for such aeration ponds, BS&W ponds or land application areas because such facilities are not subject to the RCRA hazardous waste management requirements.

Rock Island further admits that it has not obtained interim status for any RCRA land application areas at the refinery and states that no RCRA hazardous waste has been land applied at the refinery. To the best of Rock Island's knowledge, to date it has not been issued a final effective RCRA permit for any of its hazardous waste treatment or storage operations, and has not sought a final RCRA permit for any disposal operation as there is no such facility at the refinery.

20. Rock Island admits paragraph 20 of the Findings of Violation, but states that subsequently in a later correspondence, EPA informed Rock Island that its delisting petition continued in effect through November 8, 1986. As discussed above, despite its request for a hearing in connection with the failure of the EPA to grant a final permanent delisting for the vacuum filter cake, to date Rock Island has received no notice of or opportunity for hearing with respect to that petition.

21. Rock Island admits that its delisting petition for the vacuum filter cake waste was not acted upon finally by EPA by November 8, 1986. Rock Island denies that pursuant to §3001(f)(2)(B) of RCRA, 42 U.S.C. §6921(f)(2)(B), that its informal exclusion for the vacuum filter cake waste ceased to be in effect on November 8, 1986. EPA's refusal to provide Rock Island a notice of and opportunity for hearing on the EPA's decision not to issue Rock Island's informal delisting as a permanent delisting is a denial of Rock Island's due process and, further, is action by EPA that is arbitrary, capricious and otherwise not in accordance with the law. While Rock Island has managed its vacuum filter cake as a RCRA hazardous waste on or after November 8, 1986, and even before that date, Rock Island states that its vacuum filter waste was and is entitled to a finding by EPA that the material is properly permanently delisted and, accordingly, is not a hazardous waste as defined by 320 IAC 4.1-3-3(c)(2)(i). Because Rock Island was and is entitled to a permanent delisting with respect to its vacuum filter cake and because the storage and treatment facilities at the refinery are excluded from the RCRA hazardous waste management requirements, Rock Island is not subject to the applicable interim status standards as contained in 320 IAC 4.1-1 through 32 for the BS&W ponds, the aeration ponds and the land application areas.

22. Rock Island admits that on or about January 29-30, 1985, the Indiana State Board of Health, IDEM's predecessor, conducted a compliance evaluation inspection of the refinery. Rock

Island further admits that as a result of that inspection various violations were asserted, including: the failure to include in the waste analysis plan parameters, test methods and sampling methods as required by 320 IAC 4.1-16-4; the failure to maintain an inspection log, as required by 320 IAC 4.1-16-6; the failure to include in the personnel training records all facility personnel, job titles, job descriptions, and documentation of training, as required by 320 IAC 4.1-16-7; and the failure to maintain an operating record, as required by 320 IAC 4.1-19-4. Rock Island denies each and every one of the alleged violations, and further states it has been afforded neither notice nor opportunity for hearing with respect to those matters.

23. Rock Island admits that on or about April 29, 1986, IDEM representatives conducted a compliance evaluation inspection of its facilities, and as a result of such inspection, certain violations were alleged, including: failure to have interim status or a permit to receive Stoddard Solvent waste from offsite (Aratex and Means Services), as required by 320 IAC 4.1-38-2; failure to address in the inspection schedule the inspection of the Oliver storage tank, surface impoundments and the land application areas, as required by 320 IAC 4.1-16-6; failure to maintain an inspection log, as required by 320 IAC 4.1-16-6; failure to include in the personnel training records a description of introductory and continuing training for each job, as required by 320 IAC 4.1-16-7; failure to include in the operating record the location and quantity of hazardous waste within the facility and the methods and

dates of treatment, storage or disposal for hazardous waste, as required by 320 IAC 4.1-19-4; failure to maintain and operate the Oliver storage tank containment area to minimize the possibility of any sudden or non-sudden release of hazardous waste or hazardous waste constituents to the air, soil, or surface water, as required by 320 IAC 4.1-17-2; failure to implement a groundwater monitoring system for the hazardous waste surface impoundments, as required by 320 IAC 4.1-20-1; failure of manifests to contain five-digit document numbers and generator identification numbers, as required by 320 IAC 4.1-8-1; and failure to file exception reports for manifests (June 12, 1985), to Adams Center (#00009) and October 8, 1985 to Safety Kleen (#1352517267), which did have returned treatment storage and disposal signed copies, as required by 320 IAC 4.1-10-3. Rock Island denies each and every one of the alleged violations and further states it has been afforded neither notice nor opportunity for hearing with respect to those matters.

24. Rock Island admits that on or about February 10, 1987, IDEM issued a letter of warning asserting the following violations: failure to adjust the closure cost estimate for inflation, as required by 320 IAC 4.1-22-3; failure to adjust the post-closure cost estimate for inflation, as required by 320 IAC 4.1-22-13; and failure to maintain liability insurance coverage for sudden and non-sudden accidental occurrences, as required by 320 IAC 4.1-22-24.

Rock Island states that it is not subject to any such requirements as it does not operate, and has not operated, any

hazardous waste disposal unit at the refinery.

Rock Island denies each and every one of the alleged violations and further states that it has been afforded neither notice nor opportunity for hearing with respect to such matters.

25. Rock Island admits that on or about March 19, 1987, IDEM conducted a compliance evaluation inspection of the refinery, and as a result of that inspection, certain violations were alleged, including: failure to address in the inspection schedule the inspection of safety and emergency equipment, security devices, operating instructional equipment, dike around the Oliver tank, structure of Oliver tank, structure of oscillator tank, and areas subject to spills, as required by 320 IAC 4.1-16-6; failure to include in the inspection schedule free board inspections for tanks without dikes, as required by 320 IAC 4.1-24-4; failure to include in the personnel training records all facility personnel, job titles, job descriptions and documentation of training, as required by 320 IAC 4.1-16-7; failure to address in the contingency plan evacuation of employees, as required by 320 IAC 4.1-18-3; failure to maintain and operate the Oliver storage tank containment area and the oscillator tank to minimize the possibility of any sudden or non-sudden releases of hazardous waste or hazardous waste constituents to the air, soil or surface water, as required by 320 IAC 4.1-17-2; failure to maintain at least two feet of free board in the sludge suction pit, as required by 320 IAC 4.1-24-2; and failure to make a proposed hazardous waste determination of 14 drums of unknown waste found at the "sphere," as required by 320

IAC 4.1.7-2 [sic]." Rock Island denies each and every one of these alleged violations and, further, states that it has been afforded neither notice nor opportunity for hearing with respect to these alleged violations.

26. Rock Island admits that on or about November 12, 1987, IDEM conducted a compliance evaluation inspection at the refinery, and based on that inspection, asserted the following violations: failure to maintain and operate the east API separator to minimize the possibility of any sudden or non-sudden release of hazardous waste or hazardous waste constituents to the air, soil or surface water, as required by 320 IAC 4.1-17-2; failure to include in the waste analysis plan parameters, test methods, and sampling methods, as required by 320 IAC 4.1-16-4; failure to address in the inspection schedule the inspection of safety and emergency equipment and security devices, as required by 320 IAC 4.1-16-6; failure to include in the job description for the coordinator of environmental affairs manifest preparation duties and failure to maintain descriptions of training and records of training for the Coordinator of Environmental Affairs and all emergency coordinators, as required by 320 IAC 4.1-16-7; failure to include in the contingency plan a brief outline of emergency equipment capabilities, as required by 320 IAC 4.1-18-3; failure to include in manifest #00079 and #00080 the telephone numbers of the designated facility and transporter, and failure to provide the proper hazardous waste code number on manifest #49560 to Safety Kleen, as required by 320 IAC 4.1-8-1; and failure to have interim

status or a permit to store hazardous waste K049, K050 and K051 (vacuum filter sludge) and waste piles, as required by 320 IAC 4.1-38-2." Rock Island denies each and every one of these alleged violations and, in addition, states that it has been afforded neither notice nor opportunity for hearing with respect to these alleged violations.

SECOND DEFENSE

Rock Island specifically denies that it has violated §§ 3004 and 3005 of RCRA, and 320 IAC 4.1 (now 329 IAC 3), and, furthermore, asserts that EPA has no authority pursuant to §3008(a)(1) of RCRA, 42 U.S.C. §6928(a)(1), to enter the Compliance Order set forth in paragraphs A, B, C, D, E, F (and all subparts thereof), and G of the Complaint, Findings of Violation and Compliance Order. EPA is also without any authority to impose the proposed civil penalty as set forth in the Complaint, Findings of Violation and Compliance Order. Moreover, the penalties, as proposed, are unreasonable, oppressive and without support under the facts and law.

THIRD DEFENSE

EPA has designated only sludge from API separators (K051) as a hazardous waste, not API wastewater discharge or reclaimed oil, 40 CFR § 261.32, even though EPA in adopting that rule was fully aware that influent streams to API separators included listed hazardous wastes, such as K049 and K050. Thus, the presence of a RCRA hazardous waste, or a waste deemed to be a RCRA hazardous waste as a result of the mixture rule, 320 IAC 4.1-3-3(b)(2), in

the influent stream to an API separator does not cause the wastewater effluent from the API separator to be a RCRA hazardous waste. EPA's efforts to characterize the wastewater discharge from an API separator as a RCRA hazardous waste constitutes the adoption of a new rule without proper notice and opportunity for hearing and, for that and other reasons, is illegal and prohibited.

FOURTH DEFENSE

The complaint fails to state a claim against Rock Island upon which relief can be granted because each and every one of the alleged violations set forth in the complaint are exclusively to be enforced by IDEM, which received full authorization for enforcement of the state hazardous waste management program in lieu of the federal hazardous waste management program effective January, 1986.

FIFTH DEFENSE

The complaint and the alleged violations therein are filed untimely.

SIXTH DEFENSE

The complaint and the alleged violations therein are barred by laches.

SEVENTH DEFENSE

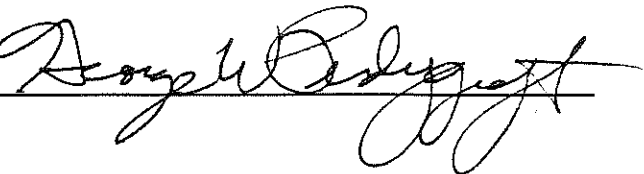
The complaint and the alleged violations therein are barred in whole or in part by estoppel or waiver.

WHEREFORE, the respondent, Rock Island Refining Corporation, requests that a hearing be held in this matter and, further, prays that the petitioner, the United States Environmental

Protection Agency, take nothing by way of its complaint and that Rock Island Refining Corporation recover its costs herein and have all just and proper relief.

Respectfully submitted,

PENDYGRAFT & PLEWS

By 

George W. Pendygraft
George M. Plews
Sue A. Shadley
1346 North Delaware Street
Indianapolis, IN 46202
(317) 637-0700

Attorneys for respondent
Rock Island Refining Corporation

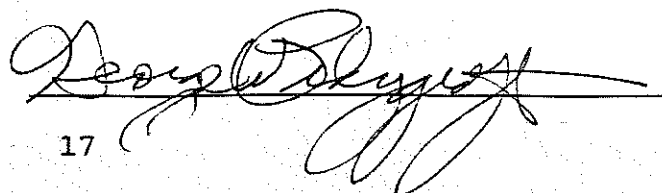
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served by placing a copy of same in the United States mail, postage prepaid, this 28th day of October, 1988 addressed to the following parties:

Ms. Beverly Shorty
Regional Hearing Clerk (5MF-14)
United States Environmental Protection Agency
230 South Dearborn Street
Chicago, Illinois 60604

Marc M. Radell, Esq.
Office of Regional Counsel (5CS-TUB-3)
United States Environmental Protection Agency
230 South Dearborn Street
Chicago, Illinois 60604

Rick Hersemann
Waste Management Division
United States Environmental Protection Agency
230 South Dearborn Street
Chicago, Illinois 60604



VIA TELECOPY/and
CERTIFIED MAIL --
Return Receipt Requested

December 1, 1988

Mark Radell, Esq.
U.S. Environmental Protection Agency
Region V
230 South Dearborn Street
Chicago, Illinois

Re: Rock Island Refining Corporation
Indianapolis, Indiana
Settlement Conference

Dear Mark:

We appreciated the opportunity to meet with you and Rick Hersemann on October 28. It is our understanding that the October 28 meeting and this letter are subject to all the privileges and immunities afforded settlement discussions and documents relating thereto.

During the October 28 meeting we agreed to provide Rick Hersemann a copy of the delisting materials in connection with the filter cake generated at the refinery. A copy of those delisting materials are enclosed herewith.

By this letter, we are confirming what we reported during the October 28th meeting as to ongoing projects at Rock Island concerning the aeration ponds. Rock Island continues to arrange for the removal of secondary bottom sediments from the aeration ponds. These materials, upon removal, are being sent to either Heritage Environmental Services, Inc., a licensed RCRA treatment, storage or disposal facility, or to the Systech facility in Crawfordsville, Indiana, where the materials are being used as a fuel source. While these materials are being manifested in accordance with the RCRA requirements, it should be understood that a disclaimer has been placed on each manifest to reflect that Rock Island Refining Corporation does not believe these materials to be RCRA hazardous wastes and, by merely manifesting those materials, Rock Island is not in any way admitting or waiving any of its rights as respects that issue.

VIA AIRMAIL
REGISTERED MAIL
Return Receipt Requested

December 1, 1988

Rock Island Refining Corporation
110 South Dearborn Street
Chicago, Illinois 60604
Attention: Environmental Protection Agency
Region V

Re: Rock Island Refining Corporation
Environmental Contaminants
Environmental Contaminants

Dear Sirs:

We appreciate the opportunity to meet with you and your
representative on October 18. It is our understanding that the
October 28 meeting and this letter are subject to all the
privileges and immunities afforded retirement discussions and
documents relating thereto.

During the October 18 meeting we agreed to provide Rock
Island a copy of the delisting materials in connection with the
other cases generated at the refinery. A copy of those delisting
materials are enclosed herewith.

By this letter, we are confirming what we reported during
the October 18th meeting as to ongoing projects at Rock Island
concerning the section roads. Rock Island continues to arrange
for the removal of secondary bottom sediments from the section
roads. These materials, upon removal, are being sent to either
Farage Environmental Services, Inc., a licensed RCRA treatment,
storage or disposal facility, or to the Spentech facility in
Crawfordsville, Indiana, where the materials are being used as a
fuel source. While these materials are being collected in
connection with the RCRA requirements, it should be understood that
a disclaimer has been placed on each manifest to reflect that Rock
Island Refining Corporation does not believe these materials to be
RCRA hazardous wastes and, by merely manifesting these materials,
Rock Island is not in any way shifting or waiving any of its
rights or response that issue.

We also reported on the status of the groundwater monitoring program that Rock Island is implementing at its refinery. As we indicated at the settlement conference, we will be forwarding for your review a copy of the report prepared by ATEC Associates, Inc. in connection with this groundwater monitoring program. We anticipate the final report to be available some time this week.

We would also like to confirm our understanding from the meeting that the Administrative Complaint and Order, as issued, is not final, and therefore any direction contained in that order does not become effective until after such time as the Company has resolved this matter or otherwise exhausted all its rights with respect to this proceeding.

Finally, we would like to arrange for a meeting with EPA and Indiana Department of Environmental Management representatives at the earliest possible time. I, or one of my associates, will be calling you this week to schedule such a meeting. In the interim, if you have any questions or need of additional information, please call Sue A. Shadley or me at 317-637-0700.

Very truly yours,

George W. Pendygraft
George W. Pendygraft

GWP/jn

cc: ✓ Rick Hersemann
William E. Laque
Sue A. Shadley, Esq.

It was reported in the recent past that the company was having difficulty in obtaining the necessary permits for the proposed project. As the project is now in the planning stage, we will be forwarding you a copy of the report prepared by the company, and in connection with this project, we will be forwarding you a copy of the report prepared by the company. We appreciate the fact that you are interested in this project and we will be glad to provide you with the necessary information.

We would also like to mention our understanding that the company is planning to conduct a study of the project area. This study will be conducted in the near future and we will be glad to provide you with the results of the study. We appreciate the fact that you are interested in this project and we will be glad to provide you with the necessary information.

Very truly yours,
[Signature]
[Name]
[Title]
[Address]
[City]
[State]
[Zip]

Very truly yours,
[Signature]
[Name]
[Title]
[Address]
[City]
[State]
[Zip]



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

SEP 26 1988

REPLY TO THE ATTENTION OF:

5HR-12

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. W. E. Huff
Registered Agent for
Rock Island Refining Corporation
5000 West 86th Street
Indianapolis, Indiana 46268

Re: Complaint, Findings of Violation
and Compliance Order
Rock Island Refining Corporation
IND 006 417 430

Dear Mr. Huff:

Enclosed please find a Complaint and Compliance Order which specifies this Agency's determination of certain violations by Rock Island Refining Corporation of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. §6901 et seq. This Agency's determination is based on inspections of the facility located at Indianapolis, Indiana, by the Indiana Department of Environmental Management (IDEM), and other information in our files.

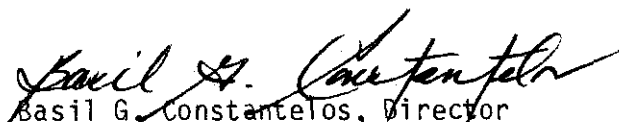
This Complaint and Compliance Order states the reason for such a determination, establishes a compliance schedule, and assesses a civil penalty for the violations as set forth in the Complaint and Compliance Order. This Complaint and Compliance Order is issued pursuant to Section 3008 of RCRA, 42 U.S.C. §6928.

Accompanying the Complaint is a Notice of Opportunity for Hearing. Should you desire to contest the Complaint, a written request for a hearing is required to be filed with Ms. Beverly Shorty, Regional Hearing Clerk (5MF-14), United States Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, within 30 days from receipt of this Complaint. A copy of your request should also be sent to Marc M. Radell, Office of Regional Counsel (5CS-TUB-3) at the above address.

Regardless of whether you choose to request a hearing within the prescribed time limit following service of this Complaint, you are extended an opportunity to request an informal settlement conference.

If you have any questions or desire to request an informal conference for the purpose of settlement with Waste Management Division staff, please contact Mr. Rick Hersemann, United States Environmental Protection Agency, RCRA Enforcement Branch (5HR-12), 230 South Dearborn Street, Chicago, Illinois 60604. His phone number is (312) 886-7567.

Sincerely,


Basil G. Constantelos, Director
Waste Management Division

Enclosure

cc: William E. Laque, Rock Island Refining Corporation
Thomas Russell, IDEM
Dennis Zawodni, IDEM

SEP 26 1988

246 527 372

SNR-12

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. M. E. Huff
Registered Agent for
Rock Island Refining Corporation
5000 West 86th Street
Indianapolis, Indiana 46268

V-W-

88 R-038

Re: Complaint, Findings of Violation
and Compliance Order
Rock Island Refining Corporation
IND 006 417 430

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Sincerely,

Basil G. Constantelos, Director
Waste Management Division

Enclosure

246 527, 384

cc: ✓ William E. Laque, Rock Island Refining Corporation
✓ Thomas Russell, IDEM
✓ Dennis Zawodni, IDEM

bcc: Robert Small, OMPE (OS-520)
Marc Radell, ORC 5CS-TUB-3 ✓
Jean Sharp, 5HR-13 ✓ O-R ✓
Regional Hearing Clerk, 5MF-14 ✓
IN Permit Section, 5HR-13 ✓

ap 9/22/88

MR 9/23/88

	TYP.	AUTH.	IL/IN TECH. ENF. SEC.	MI/WI TECH. ENF. SEC.	OH/MN TECH. ENF. SEC.	IL/MI/WI ENF. PROG. SECTION	IN/MN/OH ENF. PROG. SECTION	RCRA ENF. BR. CHIEF	O. R. A.D.D.	WMD DIR
INIT. DATE	LA 9/21/88	RA 9/21/88	JMB 9/22/88					WFM 9/22/88	9/22/88	9/23

P 246 527 372

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

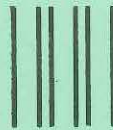
SENT TO		W.E. HUFF, Agent for	
STREET		Rock Island Ref. Corp	
P.O., STATE AND ZIP CODE		5006 W. 86th St. Indianapolis, IN 46214	
POSTAGE		8.05	
CERTIFIED FEE		.85	
OPTIONAL SERVICES			
RETURN RECEIPT SERVICE		9.00	
SPECIAL DELIVERY			
RESTRICTED DELIVERY			
SHOW TO WHOM AND DATE DELIVERED			
SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY			
SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY			
SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY			
TOTAL POSTAGE AND FEES		17.80	
POSTMARK OR DATE			

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- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE, \$3005 HR-12
HersemannRETURN
TO

Print Sender's name, address, and ZIP Code in the space below.

 UNITED STATES OF AMERICA
 ENVIRONMENTAL PROTECTION AGENCY
 230 S. DEARBORN
 CHICAGO IL 60604
UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE, \$3005 HR-12
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TO

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 UNITED STATES OF AMERICA
 ENVIRONMENTAL PROTECTION AGENCY
 230 S. DEARBORN
 CHICAGO IL 60604

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, **leaving the receipt attached**, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.	
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. <u>The return receipt fee will provide you the name of the person delivered to and the date of delivery.</u> For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested. 1. <input type="checkbox"/> Show to whom delivered, date, and addressee's address. 2. <input type="checkbox"/> Restricted Delivery ↑(Extra charge)↑ ↑(Extra charge)↑	
3. Article Addressed to: W.E. HUFF, Agent for Rock Island Ref. 5000 W. 86th st. Indianapolis, IND	4. Article Number 246 527 372
	Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail
	Always obtain signature of addressee or agent and <u>DATE DELIVERED.</u>
5. Signature — Addressee X C. Anthony	8. Addressee's Address (<i>ONLY if requested and fee paid</i>)
6. Signature — Agent X	
7. Date of Delivery 9-29-88	

PS Form 3811, Mar. 1987 * U.S.G.P.O. 1987-178-268 DOMESTIC RETURN RECEIPT

<p>SENDER: Complete items 1 and 2 when additional services are desired, and complete Items 3 and 4.</p> <p>Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. <u>The return receipt fee will provide you the name of the person delivered to and the date of delivery.</u> For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.</p>	
1. <input type="checkbox"/> Show to whom delivered, date, and addressee's address. ↑(Extra charge)↑	2. <input type="checkbox"/> Restricted Delivery ↑(Extra charge)↑
3. Article Addressed to: WM E. LAQUE Rock Isld. Refining 5000 W. 86th St. Indianapolis, IND	4. Article Number 246 527 384 Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail
5. Signature / Addressee X <i>C. Conway</i> _____ Signature — Agent	Always obtain signature of addressee or agent and <u>DATE DELIVERED</u> .
Date of Delivery <i>9-29-88</i>	8. Addressee's Address (<u>ONLY if requested and fee paid</u>)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:

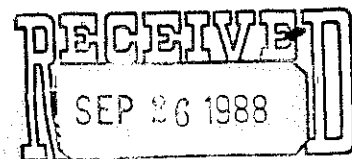
ROCK ISLAND REFINING CORPORATION
5000 WEST 86th STREET
INDIANAPOLIS, INDIANA 46268

IND 006 417 430

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DOCKET NO.

COMPLAINT, FINDINGS OF VIOLATION AND COMPLIANCE ORDER
REGIONAL HEARING CLERK
U.S. ENVIRONMENTAL PROTECTION AGENCY



PREAMBLE

Y-W- 88 R-038

This Complaint and Compliance Order is filed pursuant to Section 3008(a)(1) of the Resource Conservation and Recovery Act of 1976, as amended (RCRA), 42 U.S.C. §6928(a)(1), and the United States Environmental Protection Agency's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22. The Complainant is the Director, Waste Management Division, Region V, United States Environmental Protection Agency (U.S. EPA). The Respondent is Rock Island Refining Corporation, owner and operator of the facility located at 5000 West 86th Street, Indianapolis, Indiana 46268.

This Complaint and Compliance Order is based on information available to the U.S. EPA, including information in U.S. EPA files and file reviews and compliance inspections conducted by the Indiana Department of Environmental Management (IDEM). Based on the review of those documents, it has been determined that Respondent is in violation of Subtitle C of RCRA, Sections 3004 and 3005, 42 U.S.C. §6924 and §6925 respectively and the Indiana Administrative Code (IAC), Ind. Rev. Stat. 1985, as amended, and regulations adopted by the Indiana Environmental Management Board, found in 320 IAC 4.1.

JURISDICTION

Jurisdiction for this action is conferred upon U.S. EPA by Sections 2002(a)(1), 3006(b), and 3008 of RCRA, 42 U.S.C. §6912(a)(1), §6926(b), and §6928 respectively.

On August 18, 1982, the State of Indiana was granted Phase I Interim Authorization by the Administrator of U.S. EPA pursuant to Section 3006(b) of RCRA, 42 U.S.C. §6926(b), to administer a hazardous waste program in lieu of the Federal program. See 47 Fed. Reg. 35,970 (1982). On January 31, 1986, the State of Indiana was granted Final Authorization. See 51 Fed. Reg. 3953. As a result, facilities in Indiana qualifying for interim status are regulated under the Indiana provisions found at 320 IAC, 4.1 et seq., rather than the Federal regulations set forth at 40 CFR Part 265 and 270. Effective June 30, 1988, the Indiana provisions found at 320 IAC 4.1 were recodified and replaced by 329 IAC 3. See Indiana Register, Volume II, Number 10, July 1, 1988. Sections 3006(b) and 3008(a) of RCRA, 42 U.S.C. §6926 and §6928(a), respectively, provide that U.S. EPA may enforce State regulations in those States authorized to administer a hazardous waste program. Notice to the State pursuant to RCRA Section 3008 (a)(2), 42 U.S.C. §6928(a)(2), has been provided by U.S. EPA.

FINDINGS OF VIOLATION

This determination of violation is based on the following:

1. Respondent, Rock Island Refining Corporation, is a person defined by Section 1004(15) of RCRA, 42 U.S.C. §6903(15), and 320 IAC 4.1-1-7, who owns and operates a facility at 5000 West 86th Street, Indianapolis, Indiana 46268, that

generates, treats, stores, and disposes of hazardous waste. Respondent, Rock Island Refining Corporation, is an Indiana corporation whose registered agent is Mr. W. E. Huff, 5000 West 86th Street, Indianapolis, Indiana 46268.

2. Section 3010(a) of RCRA, 42 U.S.C. §6930(a), requires any person who generates or transports hazardous waste, or owns or operates a facility for the treatment, storage, or disposal of hazardous waste, to notify U.S. EPA of such activity within ninety (90) days of the promulgation of regulations under Section 3001 of RCRA. Section 3010 of RCRA also provides that no hazardous waste subject to regulations may be transported, treated, stored or disposed of unless the required notification has been given.

3. U.S. EPA first published regulations concerning the generation, transportation, treatment, storage or disposal of hazardous waste on May 19, 1980. These regulations are codified at 40 CFR Parts 260 through 265. Notification to U.S. EPA of hazardous waste activity was required in most instances no later than August 18, 1980.

4. Section 3005(a) of RCRA requires U.S. EPA to publish regulations requiring each person owning or operating a hazardous waste treatment, storage, or disposal facility to obtain a RCRA permit. Such regulations were published on May 19, 1980, and are codified at 40 CFR Parts 270 and 271 (formerly Parts 122 and 123). The regulations require that persons who treat, store, or dispose of hazardous waste submit Part A of the permit application in most instances no later than November 19, 1980.

5. Section 3005(e) of RCRA provides that an owner or operator of a facility shall be treated as having been issued a permit pending final administrative

disposition on the permit application provided that: (1) the facility was in existence on November 19, 1980; (2) the requirements of Section 3010(a) of RCRA concerning notification of hazardous waste activity have been complied with; and (3) an application for a permit has been made. This statutory authority to operate is known as interim status. U.S. EPA regulations implementing these provisions are found at 40 CFR Part 270.

6. Respondent submitted a timely notification of its hazardous waste activity on July 15, 1980, indicating that the facility generates, treats, stores, or disposes of hazardous waste. Respondent submitted Part A of its application for a RCRA permit on November 18, 1980, for its facility located at 5000 West 86th Street, Indianapolis, Indiana 46268. Respondent's Part A identified hazardous waste management processes as storage in tanks (process code S02), disposal in land application areas (process code D81), treatment in tanks (process code T01), treatment by incineration (process code T03), and treatment using vacuum filtration (process code T04). Among other things, Respondent's Part A described the generation and management of the following hazardous wastes listed at 40 CFR 261.32:

- a. Slop oil emulsion solids from the petroleum refining industry (EPA hazardous waste number K049). K049 is treated in tanks.
- b. Heat exchanger bundle cleaning sludge from the petroleum refining industry (EPA hazardous waste number K050). K050 is treated in tanks.
- c. API separator sludge from the petroleum refining industry (EPA hazardous waste under K051). K051 is stored in tanks, treated by vacuum filtration, and disposed of in land application areas.

- d. Tank bottoms (leaded) from the petroleum refining industry (EPA hazardous waste number K052). Respondent's Part A application did not identify a process code for K052.

7. Based on Finding 6, Respondent obtained interim status for the continued operation of its hazardous waste tank storage area, land application areas, and treatment processes located at 5000 West 86th Street, Indianapolis, Indiana.

8. Respondent's Part A described two surface impoundments at the facility which Respondent refers to as the basic sediments and water ponds (BS & W ponds). The Part A indicated that the material stored in the BS & W ponds included materials from one or more of the specific sources of hazardous wastes K049, K050, K051, and K052. The Part A indicated that the material stored in the BS & W ponds was generated prior to November 19, 1980. The material in the BS & W ponds is a hazardous waste by application of 320 IAC 4.1-3-3 (a)(2)(iv). The Part A did not describe a process code for the BS & W ponds. On or after November 19, 1980, Respondent stored and treated hazardous waste in the BS & W ponds. On or after November 19, 1980, Respondent removed hazardous waste from the BS & W ponds and disposed of the hazardous waste on land application areas at the facility.

9. On October 16, 1981, Respondent petitioned the U.S. EPA Administrator to exclude from regulation, hazardous waste derived from the treatment of hazardous waste listed in 40 CFR 261 Subpart D. The subject of the petition was filter cake waste generated from the vacuum filtration (process code T04) which contains listed hazardous wastes K049, K050, and K051.

10. On December 14, 1981, Respondent submitted to U.S. EPA additional information

to supplement Respondent's petition to exclude the filter cake waste from regulation as a hazardous waste. Included in this information was a diagram titled: Figure 1, Schematic Diagram of Rock Island Waste Treatment System, which describes the units in which Respondent's wastes are treated.

11. Aqueous condensate from storage tanks, process water and oil laden waters (slop oil emulsions) at Respondent's facility are collected and conducted by Respondent's oily water sewer to two API separators. The API separators separate the incoming oily materials by physical means into oil, water, and sludge. The oil is pumped to oil recovery pits and is then recovered in a crude oil unit. Water generated in the API separators is pumped to a series of six unlined aeration lagoons where it is treated and later discharged per Respondent's NPDES permit.

12. API separator sludge (K051) and slop oil emulsion solids (K049) removed from Respondent's API separators are conveyed to the vacuum filtration system (Oliver vacuum filter) where the volume of sludge is reduced. The Oliver vacuum filter generates a filter cake, which is the subject of the delisting petition, and a liquid waste. The liquid waste generated by the Oliver vacuum filter is a hazardous waste by application of 320 IAC 4.1-3-3(c)(2)(i).

13. The liquid hazardous waste generated from the Oliver vacuum filter is pumped back to the API separators for further treatment. Thus all materials treated in the API separators are hazardous wastes by application of 320 IAC 4.1-3-3(b)(2).

14. The water generated in the API separators is a hazardous waste by application of 320 IAC 4.1-3-3(b)(2). The six aeraton lagoons, which treat

this hazardous waste, are hazardous waste surface impoundments (process code T02). Respondent did not describe hazardous waste management process codes and design capacities for the aeration lagoons on the Part A as required by 40 CFR 270.13. On or after November 19, 1980, Respondent stored and treated hazardous waste in the six aeration lagoons.

15. Based on Findings 8 through 14, Respondent did not obtain interim status for operation of the BS & W ponds or the aeration lagoons as hazardous waste surface impoundments.

16. Respondent submitted Part B of its application for a RCRA permit on February 28, 1985, for its facility located at 5000 West 86th Street, Indianapolis, Indiana 46268. The Part B described the storage of hazardous waste in tanks and the treatment of hazardous waste in tanks and a vacuum filter. The Part B did not describe hazardous waste management in the aeration lagoons, BS & W ponds, land application area, or in waste piles. In a letter dated May 16, 1985, U.S. EPA notified Respondent of Part B deficiencies regarding the aeration lagoons, BS & W ponds, and land application area.

17. Owners and operators of surface impoundments and land application areas which are used to manage hazardous waste must implement a ground-water monitoring program as specified in 320 IAC 4.1-20-1 through 4.1-20-5. Respondent has no ground-water monitoring program for the aeration lagoons, BS & W ponds, or land application area, in violation of 320 IAC 4.1-20-1 through 4.1-20-5.

18. In a letter dated March 12, 1982, U.S. EPA notified Respondent that the Agency had completed a preliminary review of Respondent's delisting petition which indicated that the vacuum filter cake waste, listed for containing

slop oil emulsion solids (K049), heat exchanger bundle cleaning sludges (K050), and API separator sludges (K051) is considered non-hazardous. This informal exclusion was never published as a temporary exclusion in the Federal Register by U.S. EPA.

19. Respondent failed to submit a Part B permit application to U.S. EPA for the aeration lagoons, BS & W ponds, or land application area by November 8, 1985. Respondent also failed to certify compliance with applicable groundwater monitoring and financial responsibility requirements by November 8, 1985. Therefore, pursuant to Section 3005(e)(2) of RCRA, 42 U.S.C. § 6925(e)(2), interim status for Respondent's land application area terminated on November 8, 1985. In addition, Respondent has not obtained a finally effective RCRA permit for any of its hazardous waste treatment, storage or disposal operations.

20. On January 17, 1986, U.S. EPA published in the Federal Register, U.S. EPA's proposal to deny Respondent's delisting petition for the vacuum filter cake waste and to revoke Respondent's informal exclusion (51 Fed. Reg. 2526-2529).

21. Respondent's delisting petition for the vacuum filter cake waste was neither granted nor issued a final denial by U.S. EPA by November 8, 1986. Pursuant to Section 3001(f)(2)(B) of RCRA, 42 U.S.C. §6921(f)(2)(B), Respondent's informal exclusion for the vacuum filter cake waste ceased to be in effect on November 8, 1986. Respondent's vacuum filter cake waste remains a hazardous waste as defined by 320 IAC 4.1-3-3(c)(2)(i). Respondent is subject to the applicable interim status standards as contained in 320 IAC 4.1-1 through-32 for the BS & W ponds, aeration lagoons, and land application area.

22. On January 29, 1985, and January 30, 1985, the Indiana State Board of

Health (ISBH), now called the Indiana Department of Environmental Management (IDEM), conducted a compliance evaluation inspection of Respondent's facility located at 5000 West 86th Street, Indianapolis, Indiana. Specifically, the following violations were identified during the inspection:

- a. Failure to include in the waste analysis plan parameters, test methods, and sampling methods, as required by 320 IAC 4.1-16-4.
- b. Failure to maintain an inspection log, as required by 320 IAC 4.1-16-6.
- c. Failure to include in the personnel training records all facility personnel, job titles, job descriptions, and documentation of training, as required by 320 IAC 4.1-16-7.
- d. Failure to maintain an operating record, as required by 320 IAC 4.1-19-4.

23. On April 29, 1986, IDEM conducted a compliance evaluation inspection of Respondent's facility. Specifically, the following violations were identified during the inspection:

- a. Failure to have interim status or a permit to receive Standard Solvent waste from off-site (Aratex and Means Services), as required by 320 IAC 4.1-38-2.
- b. Failure to address in the inspection schedule the inspection

of the Oliver storage tank, surface impoundments, and the land application areas, as required by 320 IAC 4.1-16-6.

- c. Failure to maintain an inspection log, as required by 320 IAC 4.1-16-6.
- d. Failure to include in the personnel training records a description of required introductory and continuing training for each job, as required by 320 IAC 4.1-16-7.
- e. Failure to include in the operating record the location and quantity of hazardous waste within the facility and the methods and dates of treatment, storage or disposal for hazardous waste, as required by 320 IAC 4.1-19-4.
- f. Failure to maintain and operate the Oliver storage tank containment area to minimize the possibility of any sudden or non-sudden release of hazardous waste or hazardous waste constituents to the air, soil, or surface water, as required by 320 IAC 4.1-17-2.
- g. Failure to implement a groundwater monitoring system for the hazardous waste surface impoundments, as required by 320 IAC 4.1-20-1.
- h. Failure of manifests to contain five digit document numbers and generator identification numbers, as required by 320 IAC 4.1-8-1.
- i. Failure to file exception reports for manifests (June 12, 1985,

to Adams Center (#00009) and October 8, 1985, to Safety Kleen (#1352517267) which did have return treatment storage and disposal signed copies, as required by 320 IAC 4.1-10-3.

24. In a Letter of Warning dated February 10, 1987, IDEM notified Respondent of the following violations:

- a. Failure to adjust the closure cost estimate for inflation, as required by 320 IAC 4.1-22-3.
- b. Failure to adjust the post-closure cost estimate for inflation, as required by 320 IAC 4.1-22-13.
- c. Failure to maintain liability insurance coverage for sudden and nonsudden accidental occurrences, as required by 320 IAC 4.1-22-24.

25. On March 19, 1987, IDEM conducted a compliance evaluation inspection of Respondent's facility. Specifically, the following violations were identified during the inspection:

- a. Failure to address in the inspection schedule the inspection of safety and emergency equipment, security devices, operating and structural equipment (dike around the Oliver tank, structure of Oliver tank, structure of oscillator tank) and areas subject to spills, as required by 320 IAC 4.1-16-6.
- b. Failure to include in the inspection schedule freeboard inspections for tanks without dikes, as required by 320 IAC 4.1-24-4.
- c. Failure to include in the personnel training records all

facility personnel, job titles, job descriptions, and documentation of training, as required by 320 IAC 4.1-16-7.

- d. Failure to address in the contingency plan evacuation of employees, as required by 320 IAC 4.1-18-3.
- e. Failure to maintain and operate the Oliver storage tank containment area and the oscillator tank to minimize the possibility of any sudden or non-sudden release of hazardous waste or hazardous waste constituents to the air, soil or surface water, as required by 320 IAC 4.1-17-2.
- f. Failure to maintain at least two feet of freeboard in the sludge suction pit, as required by 320 IAC 4.1-24-2.
- g. Failure to make a proper hazardous waste determination of fourteen drums of unknown waste found at the "sphere", as required by 320 IAC 4.1.7-2.

26. On November 12, 1987, IDEM conducted a compliance evaluation inspection of Respondent's facility. Specifically, the following violations were identified during the inspection:

- a. Failure to maintain and operate the east API separator to minimize the possibility of any sudden or non-sudden release of hazardous waste or hazardous waste constituents to the air, soil, or surface water, as required by 320 IAC 4.1-17-2.
- b. Failure to include in the waste analysis plan parameters, test

methods, and sampling methods, as required by 320 IAC 4.1-16-4.

- c. Failure to address in the inspection schedule the inspection of safety and emergency equipment and security devices, as required by 320 IAC 4.1-16-6.
- d. Failure to include in the job description for the Coordinator of Environmental Affairs manifest preparation duties and failure to maintain descriptions of training and records of training for the Coordinator of Environmental Affairs and all emergency coordinators, as required by 320 IAC 4.1-16-7.
- e. Failure to include in the contingency plan a brief outline of emergency equipment capabilities, as required by 320 IAC 4.1-18-3.
- f. Failure to include in manifest numbers 00079 and 00080 the telephone numbers of the designated facility and transporter, and failure to provide the proper hazardous waste code number on manifest number 49560 to Safety Kleen, as required by 320 IAC 4.1-8-1.
- g. Failure to have interim status or a permit to store hazardous waste K049, K050, and K051 (vacuum filter sludge) in waste piles, as required by 320 IAC 4.1-38-2. Respondent refers to the waste pile storage area as "Goat Hill".

COMPLIANCE ORDER

Respondent having been initially determined to be in violation of Sections 3004 and 3005 of RCRA, and 320 IAC 4.1 (now 329 IAC 3), the following

Compliance Order pursuant to Section 3008(a)(1) of RCRA, 42 U.S.C. § 6928 (a)(1), is entered:

- A. Respondent shall immediately cease the placement of any additional hazardous or nonhazardous waste (except in accordance with a closure plan approved pursuant to 329 IAC 3-21-3(d)) into the aeration lagoons, BS & W ponds, land application areas, and waste pile storage areas.
- B. Respondent shall submit, within fifteen (15) days of this Order becoming final, a closure plan and (if necessary) a post-closure plan for the aeration lagoons, BS & W ponds, land application areas, and waste pile storage area to IDEM, as required by 329 IAC 3-21-3(d) and 329 IAC 3-21-9(e). Upon approval of the closure and (if necessary) post-closure plans by IDEM, Respondent shall perform all closure and post-closure activities detailed in the approved plans in accordance with the approved schedules therein. Upon completion of the required closure activities, Respondent shall certify in writing to IDEM that the aeration lagoons, BS & W ponds, land application areas, and waste pile storage area have been closed in accordance with the specifications in the approved closure plans. Respondent shall also submit, or cause to have submitted to IDEM, written certification of the same from an independent registered professional engineer.
- C. Respondent shall submit, within thirty (30) days of this Order becoming final, to U.S. EPA and IDEM for approval, a plan for

a ground-water monitoring program for the aeration lagoons, BS & W ponds, and land application areas which meet the requirements of 329 IAC 3-20-2 and complies with 320 IAC 3-20-3 through 329 IAC 3-20-5.

- D. Respondent shall implement the ground-water monitoring program immediately upon approval by U.S. EPA and IDEM.
- E. Respondent shall revise all applicable plans, cost estimates, financial assurance and liability insurance mechanisms, as required by 329 IAC 3-15 through 329 IAC 3-32, to include the aeration lagoons, BS & W ponds, land application areas, and waste pile storage area and submit those to U.S. EPA and IDEM within thirty (30) days of this Order becoming final.
- F. Respondent shall, within thirty (30) days of this Order becoming final:
 - 1. Maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment, as required by 329 IAC 3-17-2.
 - 2. Submit a revised Part A permit application indicating all hazardous wastes treated, stored, or disposed at the facility and all processes used to manage hazardous waste

after the effective date of RCRA, as required by 329 IAC 3-34-1 and 329 IAC 3-38-3.

3. Obtain coverage for sudden accidental occurrences arising from operations at the facility, as required by 329 IAC 3-22-24(a).
4. Obtain coverage for nonsudden accidental occurrences arising from operations at the facility, as required by 329 IAC 3-22-24(b).
5. Revise the waste analysis plan to include parameters, test methods, and sampling methods, as required by 329 IAC 3-16-4(b).
6. Revise the inspection schedule to include all regulated treatment, storage, or disposal activities; security devices; safety and emergency equipment; and operating and structural equipment, as required by 329 IAC 3-16-6(b). All inspections shall be recorded in the inspection log, as required by 329 IAC 3-16-6(d).
7. Revise and maintain personnel training records to include all facility personnel, job titles, job descriptions, and documentation of training, as required by 329 IAC 3-16-7.
8. Revise the contingency plan to include evacuation

procedures for employees and a brief outline of the capabilities of the emergency equipment listed in the contingency plan, as required by 329 IAC 3-18-3.

9. Revise the operating record to include methods and dates of treatment, storage, or disposal of hazardous waste at the facility and the location and quantity of each hazardous waste within the facility, as required by 329 IAC 3-19-4.
10. Maintain sufficient freeboard in uncovered tanks to prevent overtopping by wave or wind action or by precipitation, as required by 329 IAC 3-24-5.
11. Conduct proper inspections of all hazardous waste storage tanks, as required by 329 IAC 3-24-6.
12. Determine whether the waste in the fourteen (14) drums found at the "sphere" is hazardous waste, as required by 329 IAC 3-7-2.
13. Provide the telephone numbers of the treatment, storage, or disposal facility and transporter; the proper U.S. EPA hazardous waste code numbers; the five digit unique manifest document number; and the generator identification number on all manifests, as required by 329 IAC 3-8-1 and 329 IAC 3-14-3.

14. Submit revised copies of manifest number 00079, 00080, and 49560, as required by 329 IAC 3-8-4.
 15. Submit exception reports for manifest number 0009 and 1352517267, as required by 329 IAC 3-10-3.
- G. Respondent shall notify U.S. EPA in writing within seven (7) days upon achieving compliance with this Order or any part thereof. This notification shall be submitted to the U.S. EPA, Region V, Waste Management Division, 230 South Dearborn Street, Chicago, Illinois 60604, Attention: Rick Hersemann, RCRA Enforcement Branch (5HR-12).

A copy of these documents and all correspondence with U.S. EPA regarding this Order shall also be submitted to: Thomas Russell, Chief, Hazardous Waste Management Branch, Indiana Department of Environmental Management, 105 South Meridian Street, Indianapolis, Indiana 46240-6015.

Notwithstanding any other provisions of this Order, an enforcement action may be brought pursuant to Section 7003 of RCRA, 42 U.S.C. §6973, or any other applicable statutory authority, should U.S. EPA find that the handling, storage, treatment, transportation, or disposal of solid or hazardous waste at the facility may present an imminent and substantial endangerment to human health or the environment.

PROPOSED CIVIL PENALTY

In view of the above determination and in consideration of the seriousness of the violations cited herein, the potential harm to human health and the environment, the continuing nature of the violations, and the ability of the Respondent to pay penalties, the Complainant proposes to assess a civil penalty in the amount of ONE HUNDRED FORTY THOUSAND THREE HUNDRED FIFTY DOLLARS (\$140,350) against the Respondent, Rock Island Refining Corporation, pursuant to Sections 3008(c) and 3008(g) of RCRA, 42 U.S.C. §6928. Attachment I to the Complaint provides a detailed summary of the proposed civil penalty. Payment shall be made by certified or cashier's check payable to the Treasurer of the United States of America and shall be mailed to U.S. EPA, Region V, P.O. Box 70753, Chicago, Illinois 60673. Copies of the transmittal of the payment should be sent to both the Regional Hearing Clerk, Planning and Management Division (5MF-14), and the Solid Waste and Emergency Response Branch Secretary, Office of Regional Counsel (5CS-TUB-3), U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604.

Failure to comply with any requirements of the Order shall subject the above-named Respondent to liability for a civil penalty of up to TWENTY-FIVE THOUSAND DOLLARS (\$25,000) for each day of continued noncompliance with the deadlines contained in this Order. U.S. EPA is authorized to assess such penalties pursuant to RCRA Section 3008(c).

NOTICE OF OPPORTUNITY FOR HEARING

The above-named Respondent has the right to request a hearing to contest any material factual allegation set forth in the Complaint and Compliance Order or

the appropriateness of any proposed compliance schedule or penalty. Unless said Respondent has filed an answer not later than thirty (30) days from the date this Complaint is served, Respondent may be found in default of the above Complaint and Compliance Order.

To avoid a finding of default by the Regional Administrator you must file a written answer to this Complaint with the Regional Hearing Clerk, Planning and Management Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, within thirty (30) days of receipt of this notice. A copy of your answer and any subsequent documents filed in this action should be sent to Marc M. Radell, Assistant Regional Counsel (5CS-TUB-3), at the same address. Failure to answer within thirty days of receipt of this Complaint may result in a finding by the Regional Administrator that the entire amount of penalty sought in the Complaint is due and payable and subject to interest and penalty provisions contained in the Federal Claims Collection Act of 1966, 31 U.S.C. §§3701 et seq.

Your answer should clearly and directly admit, deny, or explain each of the factual allegations of which Respondent has knowledge. Said answer should contain: (1) a definite statement of the facts which constitute the grounds of defense; and (2) a concise statement of the facts which Respondent intends to place at issue in the hearing. The denial of any material fact, or the raising of any affirmative defense, shall be construed as a request for a hearing.

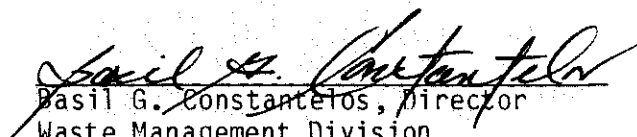
The Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22, are applicable to this administrative action. A copy of these Rules is enclosed with this Complaint.

SETTLEMENT CONFERENCE

Whether or not Respondent requests a hearing, Respondent may confer informally with U.S. EPA concerning: (1) whether the alleged violations in fact occurred as set forth above; (2) the appropriateness of the compliance schedule; and (3) the appropriateness of any proposed penalty in relation to the size of Respondent's business, the gravity of the violations, and the effect of the proposed penalty on Respondent's ability to continue in business. Respondent may request an informal settlement conference at any time by contacting this office. Any such request, however, will not affect either the thirty-day time limit for responding to this Complaint or the thirty-day time limit for requesting a formal hearing on the violations alleged herein.

U.S. EPA encourages all parties to pursue the possibilities of settlement through informal conferences. A request for an informal conference should be made in writing to Mr. Rick Hersemann, RCRA Enforcement Branch (5HR-12), at the address cited above, or by calling him at (312) 886-7567.

Dated this 23rd day of September, 1988.


Basil G. Constantelos, Director
Waste Management Division
Complainant
U.S. Environmental Protection Agency
Region V

CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing Complaint to be served upon the persons designated below, on the date below, by causing said copies to be deposited in the U.S. Mail, First Class and certified-return receipt requested, postage prepaid, at Chicago, Illinois, in envelopes addressed to:

Mr. W. E. Huff
Registered Agent for
Rock Island Refining Corporation
5000 West 86th Street
Indianapolis, Indiana 46268

Mr. William E. Laque
Rock Island Refining Corporation
5000 West 86th Street
Indianapolis, Indiana 46268

I have further caused the original of the Complaint and this Certificate of Service to be served in the Office of the Regional Hearing Clerk located in the Planning and Management Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, on the date below.

These are said persons' last known addresses to the subscriber.

Dated this 26 day of September, 1988.

Jean Sharp Clerk
Jean Sharp, Office of RCRA
U.S. EPA, Region V

BOY SNC

REFERRAL DATE
7/5/88

PART I. BACKGROUND

FACILITY NAME ROCK ISLAND REFINING CORPORATION

FACILITY LOCATION INDIANAPOLIS, INDIANA

RCRA ID NUMBER IND 006 417 430

ASSIGNEES REB HERSEMAN ORC RADELL

NATURE OF VIOLATION OPERATING SURFACE IMPOUNDMENTS, WASTE PILES,

LAND TREATMENT - NO INT. STATUS OR PERMIT, GROUNDWATER MONITORING
FINANCIAL - LIABILITY INSURANCE, INTERIM STATUS STANDARDS.
 ANY OTHER OUTSTANDING OR PAST ENFORCEMENT ACTIONS AGAINST THIS FACILITY:

"SNC"

PART II. RECOMMENDATION CLOSURE PLANS/POST-CLOSURE PLANS FOR UNITS,
INSTALL GROUNDWATER MONITORING, OBTAIN INSURANCE,
COMPLY WITH INTERIM STATUS STANDARDS.

PART III. CONCURRENCES ON DRAFT

	INITIALS	DATE	AGREE	DISAGREE
PREPARER	RA	9/1/88	(✓)	()
CHIEF, RCRA ENF. SECTION	JMB/RH	8/31/88	(✓)	()
CHIEF, RCRA ENF. BRANCH	JMB	8/31/88	(✓)	()
ASSISTANT REGIONAL COUNSEL	SLS	9-2-88	(X)	()
<u>Marc Radell</u>	<u>MMR</u>	<u>9/20/88</u>	(X)	()

NAME & DATE OF STATE CONTACT NOTIFIED

3008(a)(2) notice to IDEM 8/29/88

PART IV. APPROVAL

1. PREPARER	RA	9/21/88	(✓)	()
2. CHIEF, RCRA ENF. SECTION	JMB	9/22/88	(✓)	()
3. CHIEF, RCRA ENF. BRANCH	JMB	9/22/88	(✓)	()
4. ASSOC. DIR., OFFICE OF RCRA	JMB/TAU	9/22/88	(✓)	()
5. ASSISTANT REGIONAL COUNSEL	<u>Marc Radell</u>	<u>9/23/88</u>	(X)	()
6. CHIEF, S.W. & E.R. SECTION	JSE	9/23/88	(✓)	()
7. CHIEF, SOLID WASTE & EMER. RESPONSE BRANCH	JK	9/23/88	(✓)	()
8. REGIONAL COUNSEL			()	()
9. DIRECTOR, WASTE MGT. DIV.	<u>BSC</u>	<u>9/23</u>	(✓)	()

NOTE: Attach sign-off sheets to yellow copy of the enforcement action.

ATTACHMENT I
PENALTY SUMMARY

Regulation Applicable at Time of Violation	Corresponding Federal Regula- tion (40 CFR)	Nature of Requirement and Date of Violation	Penalty Assessed
320 IAC 4.1-16-4	265.13	Failure of the waste analysis plan to include parameters, test methods, and sampling methods. January 29, 1985 November 12, 1987	\$ 1,000
320 IAC 4.1-16-6	265.15	Failure to conduct complete inspections of facility and maintain inspection log. January 29, 1985 April 29, 1986 March 19, 1987 November 12, 1987	\$17,500
320 IAC 4.1-16-7	265.16	Failure of personnel training records to include all facility personnel, job titles, job descriptions, and documentation of training. January 29, 1985 April 29, 1986 March 19, 1987 November 12, 1987	\$ 1,000
320 IAC 4.1-19-4	265.73	Failure to maintain a complete operating record. January 29, 1985 April 29, 1986	\$ 1,000
320 IAC 4.1-38-2	270.71 and Section 3005(a) of RCRA, 42 U.S.C. §6925(a)	Failure to specify all hazardous wastes handled and processes employed at the facility on Part A of the permit application and subsequent operation of such processes without a RCRA permit or interim status. May 16, 1985 April 29, 1986 November 12, 1987	\$25,000

ATTACHMENT I
PENALTY SUMMARY

Regulation Applicable at Time of Violation	Corresponding Federal Regula- tion (40 CFR)	Nature of Requirement and Date of Violation	Penalty Assessed
320 IAC 4.1-17-2	265.31	Failure to maintain facility to mini- mize the possibility of any sudden or non-sudden release of hazardous waste constituents to the air, soil, or surface water. April 29, 1986 March 19, 1987 November 12, 1987	\$22,500
320 IAC 4.1-20-1 through 4.1-20-5	265.90 through 265.94	Failure to implement a ground-water monitoring program. May 16, 1985 April 29, 1986	\$25,000
320 IAC 4.1-8-1	262.20	Failure to complete manifests. April 29, 1986 November 12, 1987	\$ 300
320 IAC 4.1-10-3	262.42	Failure to file manifest exception reports. April 29, 1986	\$ 2,250
320 IAC 4.1-22-3 320 IAC 4.1-22-13	265.142 265.144	Failure to adjust closure/post- closure cost estimates for inflation. February 10, 1987	\$ 2,250
320 IAC 4.1-22-24	265.147	Failure to obtain liability coverage for sudden and nonsudden accidental occurrences. February 10, 1987	\$22, 500

ATTACHMENT I
PENALTY SUMMARY

Regulation Applicable at Time of Violation	Corresponding Federal Regula- tion (40 CFR)	Nature of Requirement and Date of Violation	Penalty Assessed
320 IAC 4.1-24-2 320 IAC 4.1-24-4	265.192 265.194	Failure to maintain two feet of free- board in tanks without dikes and to inspect tanks for freeboard. March 19, 1987	\$ 2,250
320 IAC 4.1-18-3	265.52	Failure to maintain a complete contin- gency plan. March 19, 1987 November 12, 1987	\$ 300
320 IAC 4.1-7-2	262.11	Failure to determine if all solid wastes are hazardous wastes. March 19, 1987	\$ 17,500
		TOTAL	\$140,350

Company Name: Rock Island Refining Corp.

Regulation Violated 320 IAC 4.1-16-4 (265.13)

Assessments for each violation should be determined on separate worksheets and totalled.

(If more space is needed, attach separate sheet.)

Part I - Seriousness of Violation Penalty

1. Potential for Harm: Minor
2. Extent of Deviation: Moderate
3. Matrix Cell Range: \$500 - \$1499
- Penalty Amount Chosen: \$1,000
- Justification for Penalty Amount Chosen: Midpoint
4. Per-Day Assessment: \$1,000

Part II - Penalty Adjustments

- | | <u>Percentage Change*</u> | <u>Dollar Amount</u> |
|---|---------------------------|----------------------|
| 1. Good faith efforts to comply/lack of good faith: | <u>N/A</u> | <u>N/A</u> |
| 2. Degree of willfulness and/or negligence: | <u>N/A</u> | <u>N/A</u> |
| 3. History of noncompliance: | <u>N/A</u> | <u>N/A</u> |
| 4. Other unique factors: | <u>N/A</u> | <u>N/A</u> |
| 5. Justification for Adjustments: | | |

* Percentage adjustments are applied to the dollar amount calculated on line 4, Part I.

6. Adjusted Per-day Penalty (Line 4, Part I + Lines 1-4, Part II): \$1,000
7. Number of Days of Violation: N/A
8. Multi-day Penalty (Number of days x Line 6, Part II): N/A
9. Economic Benefit of Noncompliance: N/A
- Justification:
10. Total (Lines 8 + 9, Part II): \$1,000
11. Ability to Pay Adjustment:
- Justification for Adjustment: N/A
12. Total Penalty Amount (must not exceed \$25,000 per day of violation): \$1,000

RCRA PENALTY COMPUTATION - JUSTIFICATION

320 IAC 4.1-16-4

REGULATION(S) VIOLATED: 40 CFR 265.13

WASTE ANALYSIS PLAN

POTENTIAL FOR HARM CATEGORY: Minor

Failure to have a complete waste analysis plan poses a low likelihood of exposure to hazardous waste.

EXTENT OF DEVIATION CATEGORY: Moderate

Facility's waste analysis plan does not include all parameters, test methods, and sampling methods.

PENALTY ASSESSED THIS VIOLATION:

\$1,000 Midpoint

Company Name: Rock Island Refining Corp.
Regulation Violated 320 IAC 4.1-16-6 (265.15)
Assessments for each violation should be determined
on separate worksheets and totalled.

(If more space is needed, attach separate sheet.)

Part I - Seriousness of Violation Penalty

1. Potential for Harm: Major
2. Extent of Deviation: Moderate
3. Matrix Cell Range: \$15,000 - \$19,999
Penalty Amount Chosen: \$17,500
Justification for Penalty
Amount Chosen: Midpoint
4. Per-Day Assessment: \$17,500

Part II - Penalty Adjustments

	<u>Percentage Change*</u>	<u>Dollar Amount</u>
1. Good faith efforts to comply/lack of good faith:	<u>N/A</u>	<u>N/A</u>
2. Degree of willfulness and/or negligence:	<u>N/A</u>	<u>N/A</u>
3. History of noncompliance:	<u>N/A</u>	<u>N/A</u>
4. Other unique factors:	<u>N/A</u>	<u>N/A</u>
5. Justification for Adjustments:		

* Percentage adjustments are applied to the dollar
amount calculated on line 4, Part I.

6. Adjusted Per-day
Penalty (Line 4,
Part I + Lines
1-4, Part II): \$17,500

7. Number of Days of
Violation: N/A

8. Multi-day Penalty
(Number of days x
Line 6, Part II): N/A

9. Economic Benefit of
Noncompliance: N/A
Justification:

10. Total (Lines 8 + 9, Part II): \$17,500

11. Ability to Pay Adjustment:
Justification for
Adjustment: N/A

12. Total Penalty Amount
(must not exceed \$25,000
per day of violation): \$17,500

RCRA PENALTY COMPUTATION - JUSTIFICATION

320 IAC 4.1-16-6

REGULATION(S) VIOLATED: 40 CFR 265.15

INSPECTION LOG / SCHEDULE

POTENTIAL FOR HARM CATEGORY: Major

Failure to conduct inspections of all regulated units and failure to conduct complete inspections and keep proper inspection logs poses that a substantial likelihood of exposure to hazardous waste exists. Potential for releases of hazardous waste and constituents at uninspected units. Facility had releases from spills.

EXTENT OF DEVIATION CATEGORY: Moderate

Facility did conduct some inspections but not of all regulated units. Facility kept inspection logs but not of all regulated units. Inspection logs did not contain all required information. This violation was cited during four separate inspections.

PENALTY ASSESSED THIS VIOLATION: \$17,500. Midpoint

Company Name: Rock Island Refining Corp.

Regulation Violated 320 IAC 4.1-16-7 (265.16)

Assessments for each violation should be determined on separate worksheets and totalled.

(If more space is needed, attach separate sheet.)

Part I - Seriousness of Violation Penalty

1. Potential for Harm: Minor
2. Extent of Deviation: Moderate
3. Matrix Cell Range: \$500 - \$1,499
- Penalty Amount Chosen: \$1,000
- Justification for Penalty Amount Chosen: Midpoint
4. Per-Day Assessment: \$1,000

Part II - Penalty Adjustments

- | | <u>Percentage Change*</u> | <u>Dollar Amount</u> |
|---|---------------------------|----------------------|
| 1. Good faith efforts to comply/lack of good faith: | <u>N/A</u> | <u>N/A</u> |
| 2. Degree of willfulness and/or negligence: | <u>N/A</u> | <u>N/A</u> |
| 3. History of noncompliance: | <u>N/A</u> | <u>N/A</u> |
| 4. Other unique factors: | <u>N/A</u> | <u>N/A</u> |
| 5. Justification for Adjustments: | | |

* Percentage adjustments are applied to the dollar amount calculated on line 4, Part I.

6. Adjusted Per-day Penalty (Line 4, Part I + Lines 1-4, Part II): \$1,000
7. Number of Days of Violation: N/A
8. Multi-day Penalty (Number of days x Line 6, Part II): N/A
9. Economic Benefit of Noncompliance: N/A
- Justification:
10. Total (Lines 8 + 9, Part II): \$1,000
11. Ability to Pay Adjustment:
- Justification for Adjustment: N/A
12. Total Penalty Amount (must not exceed \$25,000 per day of violation): \$1,000

RCRA PENALTY COMPUTATION - JUSTIFICATION

320 IAC 4.1-16-7

REGULATION(S) VIOLATED: 40 CFR 265.16

PERSONNEL TRAINING RECORDS

POTENTIAL FOR HARM CATEGORY: Minor

Failure to maintain adequate personnel training records poses a low likelihood of exposure to hazardous waste.

EXTENT OF DEVIATION CATEGORY: Moderate

Personnel training records did not contain all facility personnel, job titles, job descriptions, and documentation of training. Facility did have a personnel training program, though inadequate. Facility was cited for this violation on four separate inspections.

PENALTY ASSESSED THIS VIOLATION: \$1,000 Midpoint

Company Name: Rock Island Refining Corp.
Regulation Violated 320 IAC 4.1-14-4 (265.73)

Assessments for each violation should be determined on separate worksheets and totalled.

(If more space is needed, attach separate sheet.)

Part I - Seriousness of Violation Penalty

1. Potential for Harm: Minor
2. Extent of Deviation: Moderate
3. Matrix Cell Range: \$500 - \$1,499
Penalty Amount Chosen: \$1,000
Justification for Penalty Amount Chosen: Midpoint
4. Per-Day Assessment: \$1,000

Part II - Penalty Adjustments

	<u>Percentage Change*</u>	<u>Dollar Amount</u>
1. Good faith efforts to comply/lack of good faith:	<u>N/A</u>	<u>N/A</u>
2. Degree of willfulness and/or negligence:	<u>N/A</u>	<u>N/A</u>
3. History of noncompliance:	<u>N/A</u>	<u>N/A</u>
4. Other unique factors:	<u>N/A</u>	<u>N/A</u>
5. Justification for Adjustments:		

* Percentage adjustments are applied to the dollar amount calculated on line 4, Part I.

6. Adjusted Per-day Penalty (Line 4, Part I + Lines 1-4, Part II): \$1,000

7. Number of Days of Violation: N/A

8. Multi-day Penalty (Number of days x Line 6, Part II): N/A

9. Economic Benefit of Noncompliance: N/A

Justification:

10. Total (Lines 8 + 9, Part II): \$1,000

11. Ability to Pay Adjustment:

Justification for Adjustment: N/A

12. Total Penalty Amount (must not exceed \$25,000 per day of violation): \$1,000

RCRA PENALTY COMPUTATION - JUSTIFICATION

320 IAC 4.1-19-4

REGULATION(S) VIOLATED: 40 CFR 265.73

OPERATING RECORDS

POTENTIAL FOR HARM CATEGORY: Minor

Failure to maintain complete operating records poses a low likelihood of exposure to hazardous waste.

EXTENT OF DEVIATION CATEGORY: Moderate

Facility maintained operating records but not for all regulated units. Operating records that were kept were not complete. Violations cited on two separate inspections.

PENALTY ASSESSED THIS VIOLATION: \$1,000 Midpoint

Company Name: Rock Island Refining Corp.

Regulation Violated 320 IAC 4.1-38-2 (270.71)

and Section 3005(a) of RRA,
42 U.S.C. § 6925(a)

Assessments for each violation should be determined
on separate worksheets and totalled.

(If more space is needed, attach separate sheet.)

Part I - Seriousness of Violation Penalty

1. Potential for Harm: Major
2. Extent of Deviation: Major
3. Matrix Cell Range: \$20,000 - \$25,000

Penalty Amount Chosen: \$25,000

Justification for Penalty
Amount Chosen:

Maximum - No interim status or permits
for land disposal units

4. Per-Day Assessment: \$25,000

Part II - Penalty Adjustments

	<u>Percentage Change*</u>	<u>Dollar Amount</u>
1. Good faith efforts to comply/lack of good faith:	<u>N/A</u>	<u>N/A</u>
2. Degree of willfulness and/or negligence:	<u>N/A</u>	<u>N/A</u>
3. History of noncompliance:	<u>N/A</u>	<u>N/A</u>
4. Other unique factors:	<u>N/A</u>	<u>N/A</u>
5. Justification for Adjustments:		

* Percentage adjustments are applied to the dollar
amount calculated on line 4, Part I.

6. Adjusted Per-day
Penalty (Line 4,
Part I + Lines
1-4, Part II): \$25,000
7. Number of Days of
Violation: N/A
8. Multi-day Penalty
(Number of days x
Line 6, Part II): N/A
9. Economic Benefit of
Noncompliance: N/A
- Justification:

10. Total (Lines 8 + 9, Part II): \$25,000

11. Ability to Pay Adjustment:

Justification for
Adjustment:

N/A

12. Total Penalty Amount
(must not exceed \$25,000
per day of violation):

\$25,000

RCRA PENALTY COMPUTATION - JUSTIFICATION

320 IAC 4.1-38-2

REGULATION(S) VIOLATED: 40 CFR 270.71

PART A PERMIT

POTENTIAL FOR HARM CATEGORY: Major

Failure to specify all hazardous wastes handled and all processes employed at the facility on the Part A permit application poses a substantial likelihood of exposure to hazardous waste or hazardous waste constituents. Facility is operating hazardous waste management units without interim status or a permit. Potential releases from these units are not being monitored or properly closed. Failure to have interim status or a permit also poses a substantial adverse effect on the RCRA program.

EXTENT OF DEVIATION CATEGORY: Major

Facility failed to specify the B&W ponds, aeration lagoons, and waste pile storage on the Part A. Facility did not submit closure plans for the land application area after losing interim status. Facility did not have interim status or a permit to receive Stoddard Solvent waste.

PENALTY ASSESSED THIS VIOLATION: \$25,000. Maximum - Facility has no permits or interim status for land disposal units

Company Name: Rock Island Refining Corp.
Regulation Violated 320 IAC 4.1-17-2 (265.31)

Assessments for each violation should be determined on separate worksheets and totalled.

(If more space is needed, attach separate sheet.)

Part I - Seriousness of Violation Penalty

1. Potential for Harm: Major
2. Extent of Deviation: Major
3. Matrix Cell Range: \$20,000 - \$25,000
Penalty Amount Chosen: \$22,500
Justification for Penalty Amount Chosen: Midpoint
4. Per-Day Assessment: \$22,500

Part II - Penalty Adjustments

	<u>Percentage Change*</u>	<u>Dollar Amount</u>
1. Good faith efforts to comply/lack of good faith:	<u>N/A</u>	<u>N/A</u>
2. Degree of willfulness and/or negligence:	<u>N/A</u>	<u>N/A</u>
3. History of noncompliance:	<u>N/A</u>	<u>N/A</u>
4. Other unique factors:	<u>N/A</u>	<u>N/A</u>
5. Justification for Adjustments:		

* Percentage adjustments are applied to the dollar amount calculated on line 4, Part I.

6. Adjusted Per-day Penalty (Line 4, Part I + Lines 1-4, Part II): \$22,500
7. Number of Days of Violation: N/A
8. Multi-day Penalty (Number of days x Line 6, Part II): N/A
9. Economic Benefit of Noncompliance: N/A
Justification:
10. Total (Lines 8 + 9, Part II): \$22,500
11. Ability to Pay Adjustment:
Justification for Adjustment: N/A
12. Total Penalty Amount (must not exceed \$25,000 per day of violation): \$22,500

RCRA PENALTY COMPUTATION - JUSTIFICATION

320 IAC 4.1-17-2

REGULATION(S) VIOLATED: 40 CFR 265.31

RELEASES NOT MINIMIZED

POTENTIAL FOR HARM CATEGORY: Major

Failure to maintain the facility to minimize the possibility of releases of hazardous waste or hazardous waste constituents poses a substantial likelihood of exposure to hazardous waste.

EXTENT OF DEVIATION CATEGORY: Major

Facility is not being maintained to minimize releases of hazardous waste. Spills and releases of hazardous waste have been cited at the facility during three separate inspections. Releases have occurred at the oscillator tank area, Oliver storage tank containment area, and east API separator.

PENALTY ASSESSED THIS VIOLATION: \$22,500 Midpoint

Company Name: Rock Island Refining Corp

Regulation Violated 320 IAC 4.1-20-1 through 4.1-20-5

Assessments for each violation should be determined on separate worksheets and totalled. (265.90 - 265.94)

(If more space is needed, attach separate sheet.)

Part I - Seriousness of Violation Penalty

1. Potential for Harm: Major
2. Extent of Deviation: Major
3. Matrix Cell Range: \$20,000 - \$25,000
Penalty Amount Chosen: \$25,000

Justification for Penalty Amount Chosen:

Maximum - No groundwater monitoring for land disposal units

4. Per-Day Assessment:

\$25,000

Part II - Penalty Adjustments

- | | <u>Percentage Change*</u> | <u>Dollar Amount</u> |
|---|---------------------------|----------------------|
| 1. Good faith efforts to comply/lack of good faith: | <u>N/A</u> | <u>N/A</u> |
| 2. Degree of willfulness and/or negligence: | <u>N/A</u> | <u>N/A</u> |
| 3. History of noncompliance: | <u>N/A</u> | <u>N/A</u> |
| 4. Other unique factors: | <u>N/A</u> | <u>N/A</u> |
| 5. Justification for Adjustments: | | |

* Percentage adjustments are applied to the dollar amount calculated on line 4, Part I.

6. Adjusted Per-day Penalty (Line 4, Part I + Lines 1-4, Part II): \$25,000
7. Number of Days of Violation: N/A
8. Multi-day Penalty (Number of days x Line 6, Part II): N/A
9. Economic Benefit of Noncompliance: N/A
Justification:

10. Total (Lines 8 + 9, Part II): \$25,000

11. Ability to Pay Adjustment:

Justification for Adjustment:

N/A

12. Total Penalty Amount (must not exceed \$25,000 per day of violation):

\$25,000

RCRA PENALTY COMPUTATION - JUSTIFICATION

320 IAC 4.1-20-1 - 4.1-20.5

REGULATION(S) VIOLATED: 40 CFR 265.90 - 265.94
GROUNDWATER MONITORING

POTENTIAL FOR HARM CATEGORY: Major

Failure to have a groundwater monitoring program for surface impoundments and land application area poses a substantial likelihood of exposure to hazardous waste. Potential releases of hazardous waste or hazardous waste constituents to the groundwater are going undetected. Failure to have a groundwater monitoring program also has an adverse effect on the RCRA program.

EXTENT OF DEVIATION CATEGORY: Major

Facility has no groundwater monitoring program for surface impoundments and land application area.

PENALTY ASSESSED THIS VIOLATION: \$25,000 Maximum No economic benefit calculated reason for maximum penalty instead of midpoint.

Company Name: Rock Island Refining Corp.
Regulation Violated 320 IAC 4.1-8-1 (262.20)

Assessments for each violation should be determined on separate worksheets and totalled.

(If more space is needed, attach separate sheet.)

Part I - Seriousness of Violation Penalty

1. Potential for Harm: Minor
2. Extent of Deviation: Minor
3. Matrix Cell Range: \$100 - \$499
Penalty Amount Chosen: \$300
Justification for Penalty Amount Chosen: Midpoint
4. Per-Day Assessment: \$300

Part II - Penalty Adjustments

	<u>Percentage Change*</u>	<u>Dollar Amount</u>
1. Good faith efforts to comply/lack of good faith:	<u>N/A</u>	<u>N/A</u>
2. Degree of willfulness and/or negligence:	<u>N/A</u>	<u>N/A</u>
3. History of noncompliance:	<u>N/A</u>	<u>N/A</u>
4. Other unique factors:	<u>N/A</u>	<u>N/A</u>
5. Justification for Adjustments:		
* Percentage adjustments are applied to the dollar amount calculated on line 4, Part I.		
6. Adjusted Per-day Penalty (Line 4, Part I + Lines 1-4, Part II):		<u>\$300</u>
7. Number of Days of Violation:		<u>N/A</u>
8. Multi-day Penalty (Number of days x Line 6, Part II):		<u>N/A</u>
9. Economic Benefit of Noncompliance:		<u>N/A</u>
Justification:		
10. Total (Lines 8 + 9, Part II):		<u>\$300</u>
11. Ability to Pay Adjustment:		
Justification for Adjustment:		<u>N/A</u>
12. Total Penalty Amount (must not exceed \$25,000 per day of violation):		<u>\$300</u>

RCRA PENALTY COMPUTATION - JUSTIFICATION

320 IAC 4.1-8-1

REGULATION(S) VIOLATED: 40 CFR: 262.20

MANIFESTS

POTENTIAL FOR HARM CATEGORY: Minor

Failure to complete all required information on manifests poses a low likelihood of exposure to hazardous waste.

EXTENT OF DEVIATION CATEGORY: Minor

Only three manifests were found to be filled out incorrectly.

PENALTY ASSESSED THIS VIOLATION: \$300 Midpoint

Company Name: Rock Island Refining Corp.
Regulation Violated 320 IAC 4.1-10-3 (262.42)

Assessments for each violation should be determined on separate worksheets and totalled.

(If more space is needed, attach separate sheet.)

Part I - Seriousness of Violation Penalty

1. Potential for Harm: Minor
2. Extent of Deviation: Major
3. Matrix Cell Range: \$1,500 - \$2,999
Penalty Amount Chosen: \$2,250
Justification for Penalty Amount Chosen: Midpoint
4. Per-Day Assessment: \$2,250

Part II - Penalty Adjustments

- | | <u>Percentage Change*</u> | <u>Dollar Amount</u> |
|---|---------------------------|----------------------|
| 1. Good faith efforts to comply/lack of good faith: | <u>N/A</u> | <u>N/A</u> |
| 2. Degree of willfulness and/or negligence: | <u>N/A</u> | <u>N/A</u> |
| 3. History of noncompliance: | <u>N/A</u> | <u>N/A</u> |
| 4. Other unique factors: | <u>N/A</u> | <u>N/A</u> |
| 5. Justification for Adjustments: | | |

* Percentage adjustments are applied to the dollar amount calculated on line 4, Part I.

6. Adjusted Per-day Penalty (Line 4, Part I + Lines 1-4, Part II): \$2,250
7. Number of Days of Violation: N/A
8. Multi-day Penalty (Number of days x Line 6, Part II): N/A
9. Economic Benefit of Noncompliance: N/A
Justification:
10. Total (Lines 8 + 9, Part II): \$2,250
11. Ability to Pay Adjustment:
Justification for Adjustment: N/A
12. Total Penalty Amount (must not exceed \$25,000 per day of violation): \$2,250

RCRA PENALTY COMPUTATION - JUSTIFICATION

320 IAC 4.1-10-3

REGULATION(S) VIOLATED: 40 CFR 262.42

Manifest Exception Reports

POTENTIAL FOR HARM CATEGORY: Minor

Failure to file exception reports for manifests poses a low likelihood for exposure to hazardous waste

EXTENT OF DEVIATION CATEGORY: Major

Facility failed to file exception reports as required for manifests #0009 and 1352517267.

PENALTY ASSESSED THIS VIOLATION: \$2,250. Midpoint

Company Name: Rock Island Refining Corp.
Regulation Violated 320 IAC 4.1-22-3 (265.142)
320 IAC 4.1-22-13 (265.144)
Assessments for each violation should be determined
on separate worksheets and totalled.

(If more space is needed, attach separate sheet.)

Part I - Seriousness of Violation Penalty

1. Potential for Harm: Minor
2. Extent of Deviation: Major
3. Matrix Cell Range: #1,500 - #2,999
Penalty Amount Chosen: \$2,250
Justification for Penalty
Amount Chosen: Midpoint
4. Per-Day Assessment: \$2,250

Part II - Penalty Adjustments

	<u>Percentage Change*</u>	<u>Dollar Amount</u>
1. Good faith efforts to comply/lack of good faith:	<u>N/A</u>	<u>N/A</u>
2. Degree of willfulness and/or negligence:	<u>N/A</u>	<u>N/A</u>
3. History of noncompliance:	<u>N/A</u>	<u>N/A</u>
4. Other unique factors:	<u>N/A</u>	<u>N/A</u>
5. Justification for Adjustments:		

* Percentage adjustments are applied to the dollar
amount calculated on line 4, Part I.

6. Adjusted Per-day
Penalty (Line 4,
Part I + Lines
1-4, Part II): \$2,250

7. Number of Days of
Violation: N/A

8. Multi-day Penalty
(Number of days x
Line 6, Part II): N/A

9. Economic Benefit of
Noncompliance: N/A
Justification:

10. Total (Lines 8 + 9, Part II): \$2,250

11. Ability to Pay Adjustment:
Justification for
Adjustment: N/A

12. Total Penalty Amount
(must not exceed \$25,000
per day of violation): \$2,250

RCRA PENALTY COMPUTATION - JUSTIFICATION

320 IAC 4.1-22-3, 320 IAC 4.1-22-13

REGULATION(S) VIOLATED: 40 CFR 265.142, 265.144

CLOSURE/POST-CLOSURE COST ESTIMATES

POTENTIAL FOR HARM CATEGORY: Minor

Failure to adjust closure/post-closure cost estimates for inflation poses a low likelihood of exposure to hazardous waste.

EXTENT OF DEVIATION CATEGORY: Major

Facility failed to submit closure/post-closure cost estimates, which were adjusted for inflation, as required.

PENALTY ASSESSED THIS VIOLATION: \$22,500 Midpoint

Company Name: Rock Island Refining Corp.
Regulation Violated 320 IAC 4.1-22-24 (265.147)

Assessments for each violation should be determined on separate worksheets and totalled.

(If more space is needed, attach separate sheet.)

Part I - Seriousness of Violation Penalty

1. Potential for Harm: Major
2. Extent of Deviation: Major
3. Matrix Cell Range: \$20,000 - \$25,000
Penalty Amount Chosen: \$22,500
Justification for Penalty Amount Chosen: Midpoint
4. Per-Day Assessment: \$22,500

Part II - Penalty Adjustments

- | | <u>Percentage Change*</u> | <u>Dollar Amount</u> |
|---|---------------------------|----------------------|
| 1. Good faith efforts to comply/lack of good faith: | <u>N/A</u> | <u>N/A</u> |
| 2. Degree of willfulness and/or negligence: | <u>N/A</u> | <u>N/A</u> |
| 3. History of noncompliance: | <u>N/A</u> | <u>N/A</u> |
| 4. Other unique factors: | <u>N/A</u> | <u>N/A</u> |
| 5. Justification for Adjustments: | | |

* Percentage adjustments are applied to the dollar amount calculated on line 4, Part I.

6. Adjusted Per-day Penalty (Line 4, Part I + Lines 1-4, Part II): \$22,500
7. Number of Days of Violation: N/A
8. Multi-day Penalty (Number of days x Line 6, Part II): N/A
9. Economic Benefit of Noncompliance: N/A
Justification:
10. Total (Lines 8 + 9, Part II): \$22,500
11. Ability to Pay Adjustment:
Justification for Adjustment: N/A
12. Total Penalty Amount (must not exceed \$25,000 per day of violation): \$22,500

RCRA PENALTY COMPUTATION - JUSTIFICATION

320 IAC 4.1-22-24

REGULATION(S) VIOLATED: 40 CFR 265.147

LIABILITY INSURANCE

POTENTIAL FOR HARM CATEGORY: Major

Failure to obtain liability coverage for sudden and nonsudden accidental occurrences poses a substantial likelihood of exposure to hazardous waste in that funds may not be available to stop or correct releases. Failure to obtain liability insurance also has an adverse effect on the RCRA program.

EXTENT OF DEVIATION CATEGORY: Major

Facility has no liability insurance coverage for sudden and nonsudden accidental occurrences.

PENALTY ASSESSED THIS VIOLATION: \$22,500. Midpoint

Company Name: Rock Island Refining Corp.
Regulation Violated 320 IAC 4.1-24-2 (265.192)
320 IAC 4.1-24-4 (265.194)
Assessments for each violation should be determined
on separate worksheets and totalled.

(If more space is needed, attach separate sheet.)

Part I - Seriousness of Violation Penalty

1. Potential for Harm: Minor
2. Extent of Deviation: Major
3. Matrix Cell Range: \$1500 - \$2,999
Penalty Amount Chosen: \$2,250
Justification for Penalty
Amount Chosen: Midpoint
4. Per-Day Assessment: \$2,250

Part II - Penalty Adjustments

- | | <u>Percentage Change*</u> | <u>Dollar Amount</u> |
|---|---------------------------|----------------------|
| 1. Good faith efforts
to comply/lack of
good faith: | <u>N/A</u> | <u>N/A</u> |
| 2. Degree of willfulness
and/or negligence: | <u>N/A</u> | <u>N/A</u> |
| 3. History of
noncompliance: | <u>N/A</u> | <u>N/A</u> |
| 4. Other unique factors: | <u>N/A</u> | <u>N/A</u> |
| 5. Justification for
Adjustments: | | |

* Percentage adjustments are applied to the dollar
amount calculated on line 4, Part I.

6. Adjusted Per-day
Penalty (Line 4,
Part I + Lines
1-4, Part II): \$2,250
7. Number of Days of
Violation: N/A
8. Multi-day Penalty
(Number of days x
Line 6, Part II): N/A
9. Economic Benefit of
Noncompliance: N/A
Justification:
10. Total (Lines 8 + 9, Part II): \$2,250
11. Ability to Pay Adjustment:
Justification for
Adjustment: N/A
12. Total Penalty Amount
(must not exceed \$25,000
per day of violation): \$2,250

RCRA PENALTY COMPUTATION - JUSTIFICATION

320 IAC 4.1-24-2, 320 IAC 4.1-24-4

REGULATION(S) VIOLATED: 40 CFR 265.192, 265.194

Tank Inspections / Freeboard

POTENTIAL FOR HARM CATEGORY: Minor

Failure to conduct tank inspections poses a low likelihood of exposure to hazardous waste.

EXTENT OF DEVIATION CATEGORY: Major

Facility failed to conduct the required tank inspections
Facility failed to inspect tanks for freeboard.

PENALTY ASSESSED THIS VIOLATION: \$2,250 Midpoint

Company Name: Rock Island Refining Corp.
Regulation Violated 320 IAC 4.1-18-3 (265.52)

Assessments for each violation should be determined on separate worksheets and totalled.

(If more space is needed, attach separate sheet.)

Part I - Seriousness of Violation Penalty

1. Potential for Harm: Minor
2. Extent of Deviation: Minor
3. Matrix Cell Range: \$100 - \$499
Penalty Amount Chosen: \$300
Justification for Penalty Amount Chosen: Midpoint
4. Per-Day Assessment: \$300

Part II - Penalty Adjustments

	<u>Percentage Change*</u>	<u>Dollar Amount</u>
1. Good faith efforts to comply/lack of good faith:	<u>N/A</u>	<u>N/A</u>
2. Degree of willfulness and/or negligence:	<u>N/A</u>	<u>N/A</u>
3. History of noncompliance:	<u>N/A</u>	<u>N/A</u>
4. Other unique factors:	<u>N/A</u>	<u>N/A</u>
5. Justification for Adjustments:		

* Percentage adjustments are applied to the dollar amount calculated on line 4, Part I.

6. Adjusted Per-day Penalty (Line 4, Part I + Lines 1-4, Part II): \$300
7. Number of Days of Violation: N/A
8. Multi-day Penalty (Number of days x Line 6, Part II): N/A
9. Economic Benefit of Noncompliance: N/A
Justification:
10. Total (Lines 8 + 9, Part II): \$300
11. Ability to Pay Adjustment:
Justification for Adjustment: N/A
12. Total Penalty Amount (must not exceed \$25,000 per day of violation): \$300

RCRA PENALTY COMPUTATION - JUSTIFICATION

320 IAC 4.1-18-3

REGULATION(S) VIOLATED: 40 CFR 265.52

CONTINGENCY PLAN

POTENTIAL FOR HARM CATEGORY: Minor

Failure to maintain a complete contingency plan poses a low potential likelihood of exposure to hazardous waste.

EXTENT OF DEVIATION CATEGORY: Minor

Facility maintained an incomplete contingency plan.

PENALTY ASSESSED THIS VIOLATION: \$300 Midpoint

Company Name: Rock Island Refining Corp
Regulation Violated 320 IAC 4.1-7-2 (262.11)

Assessments for each violation should be determined on separate worksheets and totalled.

(If more space is needed, attach separate sheet.)

Part I - Seriousness of Violation Penalty

1. Potential for Harm: Major
2. Extent of Deviation: Moderate
3. Matrix Cell Range: \$15,000 - \$19,999
Penalty Amount Chosen: \$17,500
Justification for Penalty Amount Chosen: Midpoint
4. Per-Day Assessment: \$17,500

Part II - Penalty Adjustments

- | | <u>Percentage Change*</u> | <u>Dollar Amount</u> |
|---|---------------------------|----------------------|
| 1. Good faith efforts to comply/lack of good faith: | <u>N/A</u> | <u>N/A</u> |
| 2. Degree of willfulness and/or negligence: | <u>N/A</u> | <u>N/A</u> |
| 3. History of noncompliance: | <u>N/A</u> | <u>N/A</u> |
| 4. Other unique factors: | <u>N/A</u> | <u>N/A</u> |
| 5. Justification for Adjustments: | | |

* Percentage adjustments are applied to the dollar amount calculated on line 4, Part I.

6. Adjusted Per-day Penalty (Line 4, Part I + Lines 1-4, Part II): \$17,500
7. Number of Days of Violation: N/A
8. Multi-day Penalty (Number of days x Line 6, Part II): N/A
9. Economic Benefit of Noncompliance: N/A
Justification:
10. Total (Lines 8 + 9, Part II): \$17,500
11. Ability to Pay Adjustment: N/A
Justification for Adjustment:
12. Total Penalty Amount (must not exceed \$25,000 per day of violation): \$17,500

RCRA PENALTY COMPUTATION - JUSTIFICATION

320 IAC 4.1-7-2

REGULATION(S) VIOLATED: 40 CFR 262.11

HAZARDOUS WASTE DETERMINATION

POTENTIAL FOR HARM CATEGORY: Major

Failure of facility to make hazardous waste determinations for all wastes poses a substantial likelihood of exposure to hazardous waste. Failure to make the determination could lead to the improper treatment, storage, and disposal of a hazardous waste. The mixing of incompatible wastes could occur and cause a release.

EXTENT OF DEVIATION CATEGORY: Moderate

Facility failed to make the proper hazardous waste determination for the 14 drums of unknown waste found on 3/19/87 inspection. Facility also failed to make the proper hazardous waste determinations for the aeration lagoons, BS & W ponds, and land application area.

PENALTY ASSESSED THIS VIOLATION: \$17,500, Midpoint



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

5HR-12

29 AUG 1988

Bruce Palin, Acting Assistant Commissioner
Solid and Hazardous Waste Management
Indiana Department of Environmental
Management
105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46206-6015

Re: Complaint and Compliance Order
Rock Island Refining Corporation
IND 006 417 430

Dear Mr. Palin:

Pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), as amended, I am providing notice to you that the United States Environmental Protection Agency (U.S. EPA) is preparing to issue an Order under Section 3008(a)(1) to the subject facility for operating hazardous waste surface impoundments, a land application area, and a waste pile without interim status or a final RCRA permit; failure to install and implement a ground-water monitoring program; and failure to obtain sudden and non-sudden liability insurance coverage.

If you have any questions on this matter, please contact Mr. Rick Hersemann of my staff at (312) 886-7567.

Sincerely yours,

William E. Muno, Acting
Associate Division Director
Office of RCRA

29 AUG 1988

5HR-12

Bruce Palin, Acting Assistant Commissioner
Solid and Hazardous Waste Management
Indiana Department of Environmental
Management
105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46206-6015

Re: Complaint and Compliance Order
Rock Island Refining Corporation
IND 006 417 430

Dear Mr. Palin:

Pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), as amended, I am providing notice to you that the United States Environmental Protection Agency (U.S. EPA) is preparing to issue an Order under Section 3008(a)(1) to the subject facility for operating hazardous waste surface impoundments, a land application area, and a waste pile without interim status or a final RCRA permit; failure to install and implement a ground-water monitoring program; and failure to obtain sudden and non-sudden liability insurance coverage.

If you have any questions on this matter, please contact Mr. Rick Hersemann of my staff at (312) 886-7567.

Sincerely yours,

William E. Muno, Acting
Associate Division Director
Office of RCRA

bcc: J. Boyle, REB ✓
 H. Cho, RPB ✓
 B. Orenstein, RPMB

5HR-12:RHersemann:nd:6-7567:8/22/88

INIT. DATE	TYP.	AUTH.	IL/IN TECH. ENF. SEC.	MI/WI TECH. ENF. SEC.	OH/MN TECH. ENF. SEC.	IL/MI/WI ENF. PROG. SECTION	IN/MI/WH ENF. PROG. SECTION	CHIEF	O.R. A.D.D.	WMD DIR
8/22/88	N.C.	REB	A MB					SACS 8-25-88	WEM 8/24/88	



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

NANCY A. MALOLEY, Commissioner

105 South Meridian Street
P.O. Box 6015
Indianapolis 46206-6015
Telephone 317-232-8603

RECEIVED
JUL 08 1988

July 5, 1988

Mr. William Muno,
Acting Associate Division Director
Office of RCRA
U.S. EPA, Region V
230 South Dearborn Street
Chicago, Illinois 60604

U.S. EPA, REGION V
WASTE MANAGEMENT DIVISION
OFFICE OF THE DIRECTOR

Re: Rock Island Refining Corporation
IND 006417430
RCRA Enforcement Referral

Dear Mr. Muno:

Enclosed is an enforcement referral from the Enforcement Section of our Hazardous Waste Management Branch. Messrs. Thomas Russell and John Hayworth of our staff have discussed the Rock Island Refining Corporation situation with Mr. Joe Boyle of your office and have come to the agreement that the enforcement action pertaining to hazardous waste violations should be handled by the EPA. This is due mainly to the temporary exclusion afforded Rock Island by the EPA for their petroleum industry waste streams. In addition, Mr. Joe Boyle has repeatedly questioned the status of this enforcement referral in the past few monthly enforcement conference calls.

Rock Island Refining Corporation has various hazardous waste violations including Class I financial assurance violations. This office would also suggest that you send a 3007 Request for Information to the facility, in order to verify information regarding waste piles at the site. The waste piles contained K049, K050 and K051 sludge and information regarding the waste piles was uncovered during the November 12, 1987, inspection (which has been included in this referral).

Staff of the Office of Solid and Hazardous Waste Management, Indiana Department of Environmental Management, will assist in providing any additional information needed in this action. Specific questions about Rock Island Refining Corporation should be directed to Mr. Robert D. Malone of our Enforcement Section at AC 317/232-3409. Thank you for your cooperation in advance.

Sincerely,

Jane Magee

Jane Magee

Assistant Commissioner for
Solid and Hazardous Waste Management

RDM/sac
Enclosure

cc: Ms. Sally K. Swanson, U.S. EPA, Region V ✓

Mr. Jeff L. Blankenberger

Mr. Jeff W. Stevens

Ms. Karyl K. Schmidt

Marion County Health Department

STATE OF INDIANA

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT



105 South Meridian Street
P.O. Box 6015
Indianapolis, Indiana 46206-6015

RECEIVED

APR 01 1987

U.S. EPA, REGION 7
WASTE MANAGEMENT DIVISION
HAZARDOUS WASTE ENFORCEMENT BRANCH

MAR 30 1987

Mr. William Laque
Environmental Coordinator
Rock Island Refining
5000 West 86th Street
Indianapolis, IN 46268-1601

Re: Letter of Inadequacy (L-022)
Rock Island Refining Corporation
EPA I.D. No. IND 006417430
Indianapolis, Indiana

Dear Mr. Laque:

This will acknowledge the receipt of information from Rock Island Refining Corporation on October 7, 1985. This information was submitted in response to our Letter of Warning dated September 6, 1985, regarding your firm's compliance with Indiana Code IC 13-7, the Indiana Environmental Management Act, and 320 IAC 4.1, "Hazardous Waste Management Permit Program and Related Hazardous Waste Management Requirements."

Staff has reviewed the materials submitted and determined that they are inadequate to achieve compliance with the hazardous waste management requirements under 320 IAC 4.1. Our concern pertaining to these materials is listed below:

1. The personnel training documents must provide a description of both introductory and continuing training each person assigned to a hazardous waste management duty will receive. See 320 IAC 4.1-16-7(d)(3).

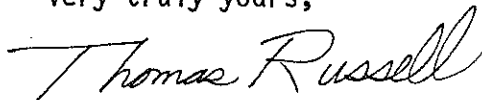
Your response must be revised or supplemented as necessary to address this deficiency and be submitted to this office within thirty (30) days.

If you fail to respond fully and adequately within the time specified and document your facility's return to compliance, a formal Notice of Violation will be issued to compel compliance.

Mr. William Laque
Page 2

If you have any questions regarding this matter, please contact Mr. Rod Steele of this office at AC 317/232-3405.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas Russell".

Thomas Russell, Chief
Enforcement Section
Hazardous Waste Management Branch
Solid and Hazardous Waste Management

RJS/rmw

cc: Marion County Health Department

Ms. Sally K. Swanson, U.S. EPA, Region V ✓

STATE OF INDIANA

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT



INDIANAPOLIS, 46225

105 South Meridian Street
February 10, 1987

VIA CERTIFIED MAIL

Mr. William E. Laque, Environmental Coordinator
Rock Island Refinery Corporation
P.O. Box 68007
Indianapolis, IN 46268

Re: EPA I.D.# IND 006417430

Dear Mr. Laque:

Our records indicate that the facility indicated above is not in compliance with the Indiana RCRA financial assurance rules for the following reason(s):

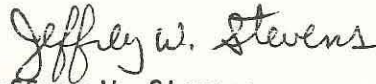
1. No information submitted on closure/post-closure cost estimate changes regarding:
 - a. Change in cost estimate.
 - b. Annual inflation adjustment.
2. No filing of proof of insurance for liability protection for:
 - a. Sudden occurrences.
 - b. Non-sudden occurrences.
3. Please note that by statutory amendment all references to "Technical Secretary" and "Environmental Management Board" are to be replaced with "Commissioner" and "Department of Environmental Management," respectively. Copies of insurance certificates have been enclosed.

RECEIVED
FEB 13 1987
U.S. EPA REGION 4
WASTE MANAGEMENT DIVISION
INDIANAPOLIS, INDIANA 46204

Mr. William E. Laque
page 2

Failure to bring this facility into compliance with the Indiana RCRA financial assurance rules (320 IAC 4.1-22-1 through 320 IAC 4.1-22-35) by March 13, 1987, will result in the referral of this matter to the Enforcement Section. If you have any questions regarding this, please contact me at AC 317/232-8901.

Very truly yours,



Jeffrey W. Stevens
Legal Analyst
Solid and Hazardous Waste Management

JWS/clb

cc: Ms. Sally K. Swanson, U.S. EPA, Region V

Mr. George W. Pendygraft, Esquire, Baker & Daniels,
810 Fletcher Trust Bldg., Indianapolis, IN 46204-2454 (with enclosures)

STATE OF INDIANA

DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT



INDIANAPOLIS, 46225

105 South Meridian Street

January 5, 1987

VIA CERTIFIED MAIL P 395 652 287

Mr. William E. Laque, Environmental Coordinator
Rock Island Refinery Corporation
P.O. Box 68007
Indianapolis, IN 46268

Re: U.S. EPA I.D. No. **IND006417430**

Dear Mr. Laque:

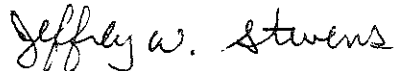
Our records indicate that the facility indicated above is not in compliance with the Indiana RCRA financial assurance rules for the following reason(s):

1. No information submitted on closure/post-closure cost estimate changes regarding:
 - a. Change in cost estimate.
 - b. Annual inflation adjustment.
2. No filing of proof of insurance for liability protection for:
 - a. Sudden occurrences.
 - b. Non-sudden occurrences.
3. Please note that by statutory amendment all references to "Technical Secretary" and "Environmental Management Board" are to be replaced with "Commissioner" and "Department of Environmental Management," respectively. Copies of insurance certificates have been enclosed.

Mr. William E. Laque
Page 2

Failure to respond to this notice by February 1, 1987, will result in the referral of this matter to the Enforcement Section. If you have any questions regarding this, please contact me at AC 317/232-8901.

Very truly yours,



Jeffrey W. Stevens
Legal Analyst
Solid and Hazardous Waste Management

JWS/tjd

Enclosure

cc: Ms. Sally K. Swanson, U.S. EPA, Region V

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT 131
man

INDIANAPOLIS

OFFICE MEMORANDUM

DATE:

June 24, 1986

THRU:

Richard Strong *RS*

TO:

Rock Island Refinery Corporation, RCRA File
IND 006417430, Indianapolis, Marion County

FROM:

David Koepper *DJK*
Compliance Monitoring Section

SUBJECT:

Trip Report for the Scheduled G/L and Enforcement Follow-up Inspection
Conducted on May 5, 1986

This inspection was a routine inspection combined with an enforcement follow-up inspection required to verify compliance with personnel training record requirements.

The facility is a crude oil refinery. Operations at the facility are typical. Waste solids are produced from API separators in the wastewater treatment plant. Aeration lagoons are used after the API separators. The API separator solids are temporarily stored in a tank prior to dewatering in a vacuum filter. A hazardous waste is going into the API separator via the sewer when the heat exchangers are cleaned. This bundle cleaning sludge is washed into the sewer after the cleaning operation. Slop oil emulsion solids and API separator solids are also produced in the API separator.

Some violations were found during the inspection. The inspection schedule does not address the TSD activities at the facility. Personnel training records do not describe introductory and continuing training requirements. The operating record does not record waste volume or location. A small overflow of the dike around the Oliver filter storage tank was noted. The facility does not have groundwater monitoring. Two manifests were found which had no returned copy with a TSD signature. Thirteen manifests to Safety Kleen contained no generator ID number.

The inspection findings of new violations will be referred to the Enforcement Section. The results of the enforcement follow-up will be referred to Mr. Rod Steele.

DJK/drc

cc: Enforcement Section

STATE OF INDIANA



INDIANAPOLIS

STATE BOARD OF HEALTH
AN EQUAL OPPORTUNITY EMPLOYER

Address Reply to:
Indiana State Board of Health
1330 West Michigan Street
P. O. Box 1964
Indianapolis, IN 46206-1964

VIA CERTIFIED MAIL

September 6, 1985

Mr. William Laque
Environmental Coordinator
Rock Island Refining Corporation
5000 West 86th Street
Indianapolis, IN 46268-1601

RECEIVED

SEP 09 1985

SOLID WASTE BRANCH
U.S. EPA, REGION V

Dear Mr. Laque:

Re: RCRA G/TSD Inspection
Rock Island Refining Corporation
IND 006417430
Letter of Inadequacy (L-022)

This will acknowledge receipt of information from Rock Island Refining Corporation on July 31, 1985. This information was submitted in response to our letter of June 21, 1985, in reference to your Company's compliance with the Federal Resource Conservation and Recovery Act (RCRA) and Environmental Management Board (EMB) 320 IAC 4.

Staff has reviewed the information submitted and determined that your response is not sufficient to determine if compliance with RCRA and 320 IAC 4 have been met. Please submit additional information as listed below:

1. The personnel training records do not include a description of the duties of each facility personnel assigned to hazardous waste management positions. In addition, the personnel training records do not include the requisite skills, education, or other qualifications possessed by hazardous waste management personnel. See 40 CFR 265.16(d)(2) (320 IAC 4-6-1).
2. The personnel training records do not identify facility personnel whose responsibilities may include response to emergencies at the facility and the type of training they have received.

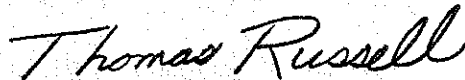
Please revise the personnel training documents and submit them to our office within thirty (30) days upon receipt of this letter.

298-24

Failure to respond adequately to this Letter of Inadequacy will result in a Notice of Violation being issued.

If you have any questions, please call Mr. Rod Steele of the Division of Land Pollution Control, Indiana State Board of Health, at AC 317/243-5050.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas Russell".

Thomas Russell, Chief
Enforcement Section
Hazardous Waste Management Branch
Division of Land Pollution Control

RJS/tr

cc: Marion County Health Department
Ms. Sally K. Swanson, U.S. EPA, Region V
Mr. Roy Wogelius, U.S. EPA, Region V
Mr. David Koepper

STATE OF INDIANA



INDIANAPOLIS

STATE BOARD OF HEALTH
AN EQUAL OPPORTUNITY EMPLOYER

Address Reply to:
Indiana State Board of Health
1330 West Michigan Street
P. O. Box 1964
Indianapolis, IN 46206-1964

June 24, 1985

VIA CERTIFIED MAIL

Mr. William Lacque, Environmental Coordinator
Rock Island Refining Corporation
P.O. Box 68007
Indianapolis, IN 46268

Dear Mr. Lacque:

Re: Rock Island Refining Corporation
U.S. EPA I.D. No. **IND 006417430**

Our records indicate that the facility indicated above is not in compliance with the Indiana RCRA financial assurance rules for the following reasons:

The proof of insurance submitted is not in compliance, and must be submitted in conformity with 320 IAC 4-7-35 or 320 IAC 4-7-36.

The letter of credit is improperly worded and must conform to 320 IAC 4-7-30. Also, the following Trust sections must be reworded to conform to 320 IAC 4-7-28: 1, 4, 6, 7, 12 and the improper IAC citation in the last paragraph. Enclosed is a copy of the Indiana RCRA financial assurance rules.

Failure to bring this facility into compliance with the Indiana RCRA financial assurance rules (320 IAC 4-7-1 through 320 IAC 4-7-36) by July 26, 1985, will result in the referral of this matter to the Enforcement Section. If you have any questions regarding this, please contact me at AC 317/243-5046.

Very truly yours,

Jeffrey W. Stevens
Jeffrey W. Stevens
Environmental Hearing Officer
Division of Land Pollution Control

JWS/sk
Enclosure
cc: Ms. Sally Swanson, Region V, U.S. EPA



STATE BOARD OF HEALTH
AN EQUAL OPPORTUNITY EMPLOYER

Address Reply to:
Indiana State Board of Health
1330 West Michigan Street
P. O. Box 1964
Indianapolis, IN 46206-1964

June 21, 1985

VIA CERTIFIED MAIL

Mr. William Laque, Environmental Coordinator
Rock Island Refining Corporation
5000 West 86th Street
Indianapolis, IN 46268-1601

Dear Mr. Laque:

Re: RCRA G/TSD Inspection
Rock Island Refining Corporation
IND 006417430
Letter of Warning (L-022)

The Environmental Management Board is cooperating with the U.S. Environmental Protection Agency, Region V, in carrying out the provisions of the Resource Conservation and Recovery Act, Public Law 94-580 (RCRA). In this effort, representatives of the Environmental Management Board are conducting inspections of facilities in Indiana that are engaged in the generation, transportation, treatment, storage, or disposal of hazardous waste. In addition to RCRA requirements, facilities are being inspected to determine compliance with Environmental Management Board 320 IAC 4, "Hazardous Waste Management Permit Program and Related Hazardous Waste Management Requirements."

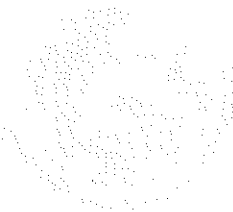
This letter is to inform you that on January 29 and 30, 1985, an inspection of Rock Island Refining Corporation, located at 5000 West 86th Street, Indianapolis, Indiana, was conducted by Mr. David Koepper of the Division of Land Pollution Control, Indiana State Board of Health. You represented your firm at this inspection.

Please be advised that the Hazardous Waste Management Branch is aware of the May 16, 1985, Notice of Deficiency sent to Rock Island Refining Corporation from U.S. EPA, Region V, which voids your March 11, 1982, informal delisting granted by the Office of Solid Waste. The Hazardous Waste Management Branch will closely monitor the developments and any corrective action which may ensue from that recent decision.

298-15

1. The first part of the report is a general introduction to the subject of the study.

2. The second part of the report is a detailed description of the methods used in the study.



3. The third part of the report is a discussion of the results of the study.

4. The fourth part of the report is a conclusion and summary of the findings.

5. The fifth part of the report is a list of references and sources used in the study.

6. The sixth part of the report is a list of appendices and supplementary material.

7. The seventh part of the report is a list of figures and tables.

8. The eighth part of the report is a list of footnotes and endnotes.

9. The ninth part of the report is a list of acknowledgments.

The following concerns pertaining to the operation of your facility were noted:

- | | |
|--|--|
| 1. 40 CFR 265.13
and
320 IAC 4-6-1 | Owner or operator does not have a detailed waste analysis plan on file at the facility. The inspector noted that earlier analyses performed on cracker waste showed cyanide presence ranging from 11-30 ug/gr. |
| 2. 40 CFR 265.16
and
320 IAC 4-6-1 | Personnel have not participated in an annual review of initial training. The inspector noted that the owner/operator could not provide documentation reflecting that facility personnel have participated in an annual review of personnel training. |
| 3. 40 CFR 265.16
and
320 IAC 4-6-1 | Personnel training records do not include job titles, job descriptions, and description of personnel training. |
| 4. 40 CFR 262.42
and
320 IAC 4-4-1 | Generator has not submitted exception reports as required. The inspector noted that Manifest No. 99 was not signed or dated by the designated facility. |

As discussed with the inspector during the inspection, your Company should take the following actions to bring yourself into compliance:

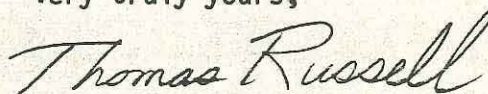
1. Include cyanide testing as part of your waste analysis plan and perform the test on all hazardous waste at your facility or provide rationale why cyanide analysis is not necessary.
2. Personnel shall participate in an annual review of initial training. Please submit documentation reflecting that facility personnel have participated in the required training.
3. Revise personnel training records to include job titles, job descriptions, and a description of personnel training.
4. Submit an exception report to the U.S. EPA, Region V, and to the Environmental Management Board, as required in 40 CFR 262.42 and 320 IAC 4-4-1. The mailing address for the U.S. EPA is: Region V RCRA Activities, P.O. Box A3587, Chicago, Illinois 60690.

Within thirty-five (35) days of receipt of this letter, submit to this office a letter stating the actions your Company has taken to achieve compliance.

Failure to respond adequately to this Letter of Warning will result in a Notice of Violation being issued.

Please direct your response to this letter and any questions to Mr. Rod Steele of the Division of Land Pollution Control, Indiana State Board of Health, at AC 317/243-5050.

Very truly yours,



Thomas Russell, Chief
Enforcement Section
Hazardous Waste Management Branch
Division of Land Pollution Control

RJS/tr

cc: Marion County Health Department
Ms. Sally K. Swanson, U.S. EPA, Region V
Mr. Roy Wogelius, U.S. EPA, Region V
Mr. David Koepper

STATE OF INDIANA



INDIANAPOLIS

STATE BOARD OF HEALTH
AN EQUAL OPPORTUNITY EMPLOYER

Address Reply to:
Indiana State Board of Health
1330 West Michigan Street
P. O. Box 1964
Indianapolis, IN 46206-1964

Mr. Joe Boyle
Chief of Illinois-Indiana Unit
RCRA Enforcement Section
U.S. Environmental Protection Agency
Region V
230 South Dearborn Street
Chicago, IL 60604

June 11, 1985

Dear Mr. Boyle:

Re: Telephone Conference of May 5, 1985

This will confirm our telephone conversation with you, Mr. Ken Burch, and Ms. Sally K. Swanson of U.S. EPA, Region V, concerning the Region's current Notice of Deficiency pending against Rock Island Refinery in Indianapolis, Indiana. The Hazardous Waste Management Branch of the Division of Land Pollution Control will not contemplate taking enforcement action against Rock Island Refinery in response to Region V's revocation of the March 11, 1982, informal delisting prior to the completion of their Part B permit review. The Hazardous Waste Management Branch will, however, maintain Rock Island Refinery on the Significant Violator's List until further notice.

Also, telephone conferences with Region V regarding Significant Violators will be held on the last Thursday of each month rather than by the 20th of the month as required by our current Grant Work Plan.

If you have any questions, please do not hesitate to contact myself or Mr. John Hayworth.

Very truly yours,

Thomas Russell, Chief
Enforcement Section
Hazardous Waste Management Branch
Division of Land Pollution Control
AC 317/243-5012

RJS/tr
cc: Mr. Guinn Doyle
Ms. Sally K. Swanson, U.S. EPA, Region V

RECEIVED

JUN 14 1985

U.S. EPA, REGION V
WASTE MANAGEMENT DIVISION
HAZARDOUS WASTE ENFORCEMENT BRANCH

STATE OF INDIANA



INDIANAPOLIS

STATE BOARD OF HEALTH
AN EQUAL OPPORTUNITY EMPLOYER

Address Reply to:
Indiana State Board of Health
1330 West Michigan Street
P. O. Box 1964
Indianapolis, IN 46206-1964

March 22, 1985

TO: Mr. William Lacque
Environmental Coordinator
Rock Island Refining Corporation
P.O. Box 68007
Indianapolis, IN 46268

Dear Sir or Madam:

Re: EPA ID# IND 006417430

Our records indicate that the facility indicated above is not in compliance with the Indiana RCRA financial assurance rules for the following reason(s):

- ☐ No information submitted on closure/post-closure cost estimate changes regarding:
 - ☐ change in cost estimate
 - ☐ annual inflation adjustment.
- ☐ No current (198.) update of your financial test filing.²
- ☐ No current (198) update of your corporate guarantee letter.³
- ☐ No special report from the independent certified public accountant.⁴
- ☐ No copy of the independent certified public accountant's report on the firm's financial statements for the prior fiscal year.⁵
- ☐ No filing of proof of insurance for liability protection for:⁶
 - ☐ sudden occurrences
 - ☐ non-sudden occurrences
- ☐ No proof of current annual installment to closure/post-closure trust fund.⁷
- ☐ Failure to file a standby trust agreement for closure/post-closure assurance along with your ☐ surety bond or ☐ irrevocable letter of credit.⁸

✕ The proof of insurance submitted is not in compliance, and must be submitted on Indiana forms 320 IAC 4-7-35 or 320 IAC 4-7-36.

✕ Other: The letter of credit is improperly worded and must conform to 320 IAC 4-7-30. Also, the following Trust sections must be reworded to conform to 320 IAC 4-7-28: 1, 4, 6, 7, 12 and the improper IAC citation in the last paragraph.

Comments:

Enclosed is a copy of the Indiana RCRA financial assurance rules.

Failure to respond to this notice within thirty (30) days will result in initiation of an administrative enforcement action. If you have any questions regarding this, please contact me at 317/243-5046.

Very truly yours,

Jeffrey W. Stevens

Jeffrey W. Stevens
Division of Land Pollution Control

cc: Ms. Sally Swanson, Region V, U.S. EPA

STATE OF INDIANA

ENVIRONMENTAL MANAGEMENT BOARD



INDIANAPOLIS 46206-1964

1330 West Michigan Street
P. O. Box 1964

Mr. Sydney Beckwith
Adams Center Landfill
4636 Adams Center Road
Fort Wayne, IN 46806

November 28, 1984

Dear Mr. Beckwith:

Re: Disposal of Filter Cake Waste from
Rock Island Refining Corporation
Indianapolis

This letter acknowledges the request for disposal dated November 2, 1984, from Rock Island Refining Corporation.

Approval is hereby granted for disposal of 120 cubic yards per month of filter cake waste consisting of delisted K049-slop oil emulsion solids, K050-heat exchanger bundle cleaning sludges and K051-API separator sludge at the Adams Center Landfill, INDO78911146, OPP. No. 2-1, Allen County. The waste is to be disposed of in the separate disposal area of the landfill and covered with a minimum of twelve (12) inches of cover soil by the end of the working day.

The approval is granted subject to the following conditions:

1. The generator and/or hauler must contact you to notify you of the time of disposal and conditions of shipment.
2. If nuisance or pollution conditions are created, immediate corrective action will be taken by the operator.
3. Waste material accepted under this approval shall be included on the Special Waste Monthly Report to be submitted to this office monthly.
4. This waste can contain no free liquids.
5. This approval will expire December 31, 1985.

This approval will be revoked if the landfill fails to maintain compliance with 330 IAC 4-1, et seq. (Regulation SPC-18). Any necessary local approval must be obtained, but is not required for this approval to be valid.

ERRIS FILE

INSPECTED: 5/22/84

INDIANA STATE BOARD OF HEALTH FILES

CONTACT: MIKE DELTON

① CONSTRUCTION PLAN PERMIT # SW 242 FOR LAND
TREATMENT

② NPDES PERMIT NO. IN 0002364

EFFECTIVE: FEB 7, 1979

EXPIRES: FEB 7, 1984

CURRENT STATUS: THE PERMIT APPLICATION CAME OFF
PUBLIC NOTICE MAY 19, 1984. AS IT STANDS THE
PERMIT WILL GET RENEWED. (PERSONEL COMMUNICATION
W/ JULIE WHITE, I.S.B.H., DIVISION OF WATER
POLLUTION CONTROL)

③ LAND APPLICATION OF SLUDGES FROM SURFACE IMPOUNDMENTS

THE LAND APPLICATION OF THE SLUDGES WAS A
ONE TIME ONLY SHOT, CONSEQUENTLY NO FORMAL
PERMIT WAS FILLED OUT. THE LAND APPLICATION
AGREEMENT WAS AN INTER-AGENCY CONSENT.

INSTRCTED: 5/22/84

ROCK ISLAND REFINING CORP.

CONTACT: WILLIAM LAQUE

BASIC SEDIMENT & WATER PONDS FIELD INSPECTION

THE BASIC SEDIMENT & WATER POND (BS&W) LOCATED ON THE EASTERN PORTION OF THE FACILITY WAS THE SURFACE IMPOUNDMENT WHICH EXPERIENCED THE SPILL OF 1980. THIS SPILL OCCURRED ON JULY 23, 1980.

THE SPILL WAS ABOUT 44,000 GALLONS OF WASTE OIL, OF WHICH 36,000 GALLONS WAS RECOVERED. BOOMS AND SORBENTS WERE USED TO CLEAN UP THE SPILLED OIL. DUE TO HEAVY RAINS THE EASTERN BS&W POND BROKE, THE OIL LAIDEN SURFACE RUN-OFF WAS ~~NOT~~ ALLOWED TO GO THRU THE NORMAL CHANNEL OF WATER TREATMENT, CONSEQUENTLY THE RUN-OFF WAS LET THRU OUTFALL 003 WITHOUT ANY TYPE OF PRE-TREATMENT. NORMALLY SURFACE RUN-OFF IS PUMPED BACK TO THE REFINERY WHERE IT IS STORED IN A RETENTION POND. WATER IN THE RETENTION POND IS USED FOR FIRE PROTECTION.

BECAUSE THE RUN-OFF WAS ALLOWED TO PASS THRU OUTFALL 003 UNTREATED, A STREAM, WHICH IS A COMPILEATION OF OUTFALLS 001, 002, & 003, WAS CONTAMINATE WITH OIL. THIS COMPILEATION OF OUTFALLS RUNS INTO PAYNE CREEK, WHICH IS A TRIBUTARY TO CROOKED CREEK WHICH FEEDS INTO THE WHITE RIVER.

THE EASTERN B S & W POND WAS CLOSED IN THE FOLLOWING MANNER: SLUDGE WAS SCOOPED OUT OF THE POND, IN ITS PLACE A CLEAN DIRT FILL WAS ADDED, THE DIKED WALLS WERE PUSHED IN AND EVENTUALLY TANKS WERE PUT ON SITE.

THE WESTERN B S & W POND WAS CLOSED IN A SIMILAR MANNER EXCEPT THAT THE TANK BOTTOM WAS ENLARGED AND LEVELED. BERMS WERE BUILT AROUND THE ENLARGED PORTION OF THE BOTTOM. IT IS WITHIN THIS ENCLOSED BERMED AREA THAT THE ONE TIME APPLICATION OF ONCE-REMOVED SLUDGE TOOK PLACE. TANKS NOW EXIST WHERE THE LANDFARM IS LOCATED.

LEADED TANK BOTTOMS

AS THE NAME IMPLIES, LEADED TANK BOTTOMS ACCUMULATE IN THE BOTTOM OF STORAGE TANKS. WASTE OF THIS TYPE IS ONLY ENCOUNTERED WHEN THE GAINT TANKS ARE CLEANED. ACCORDING TO MR. LAQUE, CLEANING IS INFREQUENT AND THEREFORE NOT MUCH OF THIS WASTE TYPE ACCUMULATES. CURRENT POLICY DICTATES THAT THESE ACCUMULATED, LEADED TANK BOTTOMS MUST BE DISPOSED OF IN A PERMITTED FACILITY. SO THE ROCK ISLAND REFINING CORP. HAS CONTRACTED WITH ANOTHER COMPANY TO HANDLE THE WASTE OFF-SITE.

SLUDGE SAMPLES

MR. LAQUE COLLECTED A COMPOSITE SAMPLE OF THE SLUDGE THAT WAS LANDFARMED. HIS SAMPLING POINTS WERE SPACED

AT 10 FT. INTERVALS. AFTER HE COLLECTED ALL HIS SAMPLES HE MADE A COMPOSITE SAMPLE. IT WAS THIS COMPOSITE SAMPLE WHICH WAS ANALYZED. (SEE ATTACHED SHEETS)

SURFACE IMPOUNDMENTS

MISC. INFORMATION:

- ① DEPTH - 8 FT FROM GROUND LEVEL
- ② ALL MATERIAL WAS REMOVED FROM THE S.I.'s
- ③ SAMPLING WAS PERFORMED ON THE SLUDGES
- ④ 20% OF LIQUID WITHIN THE S.I.'s WERE OIL.

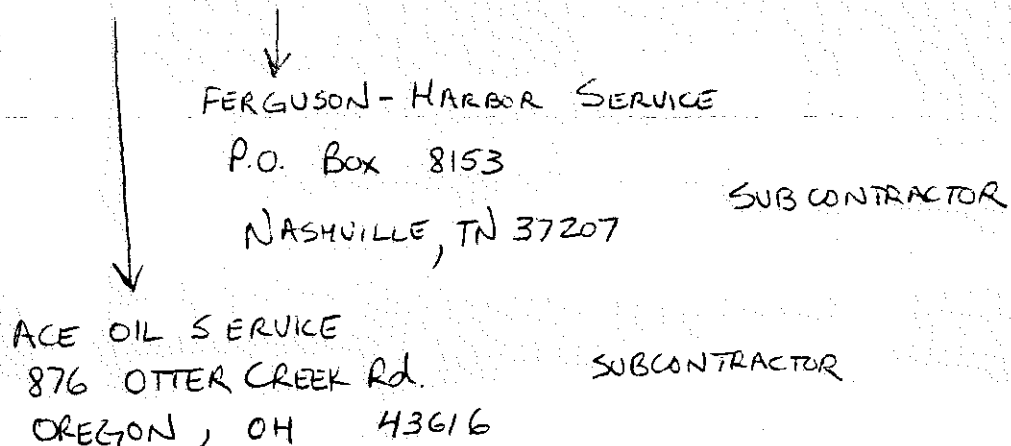
WATER SYSTEMS

3 WATER SYSTEMS:

- ① RAW WATER - for drinking + boilers
- ② PROCESS WATER - STEPS 1-3 ① OILY WATER, API SEPARATORS, AERATION LAGOONS ② → ③ POTW
- ③ STORM WATER RUN-OFF → NPDES
Direct discharge to NPDES outfalls unless oil is present
• oily runoff is sent to API separators

SUBCONTRACTS INVOLVED IN SPILL

SPILL RECOVERY OF INDIANNA - MAIN CONTRACTOR



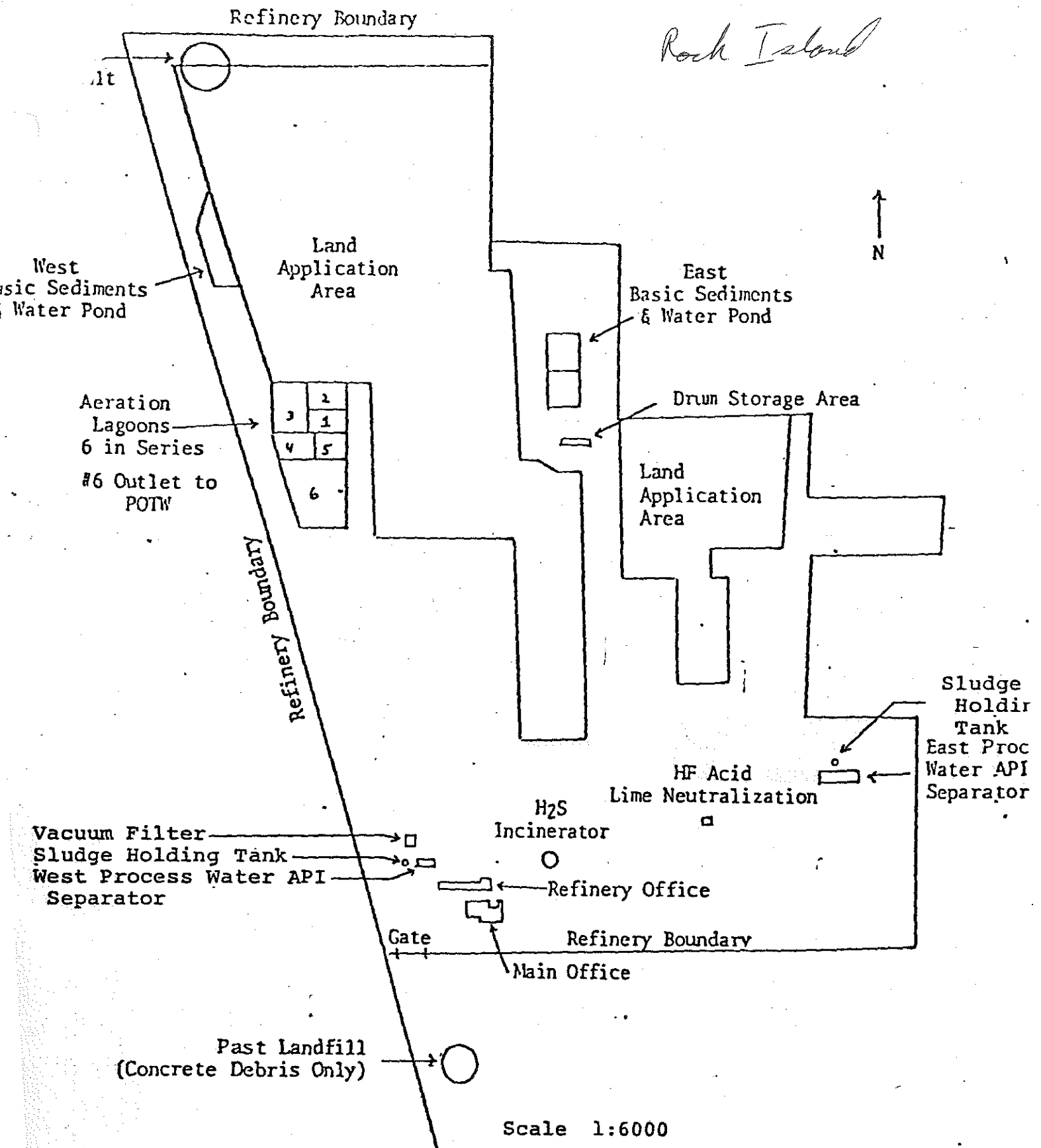


Figure 3-1

(See Attachment C)

